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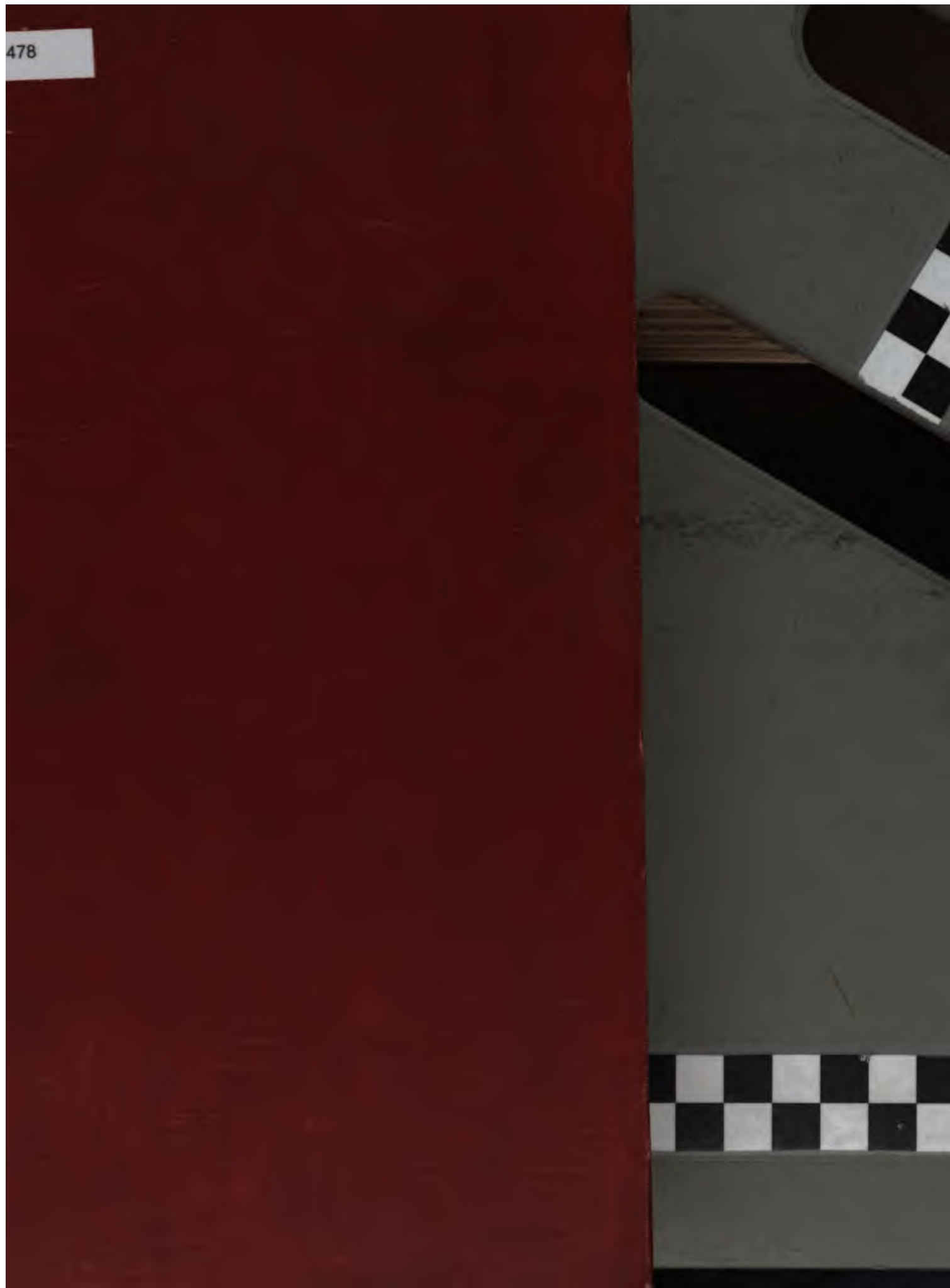
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**THE IOWA JOURNAL OF HISTORY  
AND POLITICS**



THE  
**IOWA JOURNAL**  
OF  
**HISTORY AND POLITICS**



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**THE IOWA JOURNAL OF HISTORY AND POLITICS**  
**JANUARY NINETEEN HUNDRED SEVENTEEN**  
**VOLUME FIFTEEN NUMBER ONE**

**VOL. XV—1**



## SPECIAL LEGISLATION IN IOWA

The State legislature has full and complete power to legislate, subject only to such restrictions as are incorporated in the State Constitution and to the limitations which are contained in the Constitution of the United States. It is not restricted to the exercise of specifically defined powers, but is invested with authority to enact laws practically at its own discretion. Having this broad power State legislatures developed the habit of enacting local and special laws which benefited individuals and localities without regard to the welfare of the whole State. The enactment of this type of legislation was so frequently accompanied by abuse that nearly all of the States have taken steps to restrict their legislatures in such enactments.

### I

#### DEFINITION OF SPECIAL LEGISLATION

It is important in any discussion of special legislation to distinguish at the very outset between the different kinds of laws which may be enacted by an American State legislature, namely, general or public laws, special laws, and local laws. At the same time it is not easy to define these classes of statutes so clearly that any law may be placed at once and without question in one of the groups named.

According to Webster the word "general" relates to a genus or kind: it pertains to a whole class or order. Thus a general law is not designed for one or more particular persons; nor does it operate exclusively in any particular part or subdivision of the State. It is a measure that affects the welfare of the State as a unit: it is an answer to a public need. On the other hand, a general law does not nec-

essarily operate upon all persons or all things within the State. "Provided that an Act be not expressly limited to operate upon particular persons or in particular localities, it is enough to constitute it a general Act, first, that it should operate wherever the circumstances to which it is applicable exist in the State, and secondly, that it should operate uniformly, *i. e.*, upon 'every person who is brought within the relations and circumstances provided for,' without regard to the number of such persons as compared with the whole population of the State."<sup>1</sup> Moreover, an act may be general if it operates upon one or more particular conditions as distinguished from persons and localities. If the law operates upon a particular condition and attaches to it certain consequences, and if whenever that condition exists the consequences follow and where the conditions do not exist the consequences do not follow, the law is general and of uniform operation.<sup>2</sup> A general law then is one which applies equally to and operates uniformly upon all persons subject to the authority of the State, or upon any class of persons, places, or things that require because of some essential characteristic, legislation peculiar thereto.

A special law, on the other hand, is one which operates upon particular persons and private concerns.<sup>3</sup> It applies only to a group of persons or things which really do not form a separate or distinct class as regards the subject-matter of the special law in question. A special law relates either to particular persons, places, or things; or it relates to persons, places, or things which though not particular-

<sup>1</sup> Binney's *Restrictions upon Local and Special Legislation in State Constitutions*, p. 22. See also *McAunich v. The Mississippi and Missouri Railroad Company*, 20 Iowa 338, at 343; and *McCormick v. Rusch*, 15 Iowa 127, at 129.

Mr. C. C. Binney's *Restrictions upon Local and Special Legislation in State Constitutions* appears to be the most complete and satisfactory treatment of this subject.

<sup>2</sup> *Haskel v. The City of Burlington*, 30 Iowa 232, at 237.

<sup>3</sup> *Town of McGregor v. Baylies*, 19 Iowa 43, at 46.



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eration of a law is arbitrarily restricted to any portion of the State to the exclusion of any other portion, no difference how large or small, the law is local. In all cases the question as to whether a given law is general, special, or local must be determined by its substance and by its effect and not by its form.

The distinction between general, special, and local laws may be made clearer by indicating a few of the leading subjects of special and local legislation. Where no restrictions, voluntary or constitutional, are placed upon the legislature the granting and extension of corporate rights usually constitute the largest division of special laws. Where the organization of private corporations is provided for by general law the largest body of special legislation will consist of acts relating to municipal corporations. The changing of corporate and local names, the legalizing of informal acts, and the auditing of private claims are also frequently recurring subjects of special legislation. On the other hand, the changing of county seats and county boundaries, the giving of directions in county matters, legislation for one county or other local subdivision are illustrations of local laws. Curative acts and local option laws are also frequently classed as special legislation.

In the development of governmental activities in the United States the science of legislation — that is, “the careful adaptation of laws both to the needs of the State and the various classes of people composing it, and to the body of law already existing, the determination of the proper scope of general laws, and of the circumstances which call for legislation of a local or special character”<sup>6</sup> — has been neglected. Indeed, the legislatures of the colonies and of all the States, until about the middle of the nineteenth cen-

<sup>6</sup> Binney's *Restrictions upon Local and Special Legislation in State Constitutions*, p. 6.

tury, passed public and general, special, and local laws without discrimination. An enormous volume of local and special legislation was enacted in reference to matters that could have been better provided for by general laws. Public interests were frequently sacrificed to private greed. Localities were interfered with; and the whole system of law-making in some States was thrown into confusion. The result was a reaction against local and special legislation, one State after another changing its Constitution in order to check the evils of unregulated legislative action.

The procedure in passing local and special acts has been the same as that in passing general laws — with this difference, however, that in many instances no attempt has been made to restrain the volume of such laws or to examine them carefully as to their worth. When the legislature acts upon a general law it legislates; but when it acts upon a special law it changes its function from that of law-maker to that of judge—a function which is outside the proper scope of legislative action.<sup>7</sup>

## II

### CONSTITUTIONAL RESTRICTIONS ON SPECIAL LEGISLATION

About the middle of the nineteenth century the possibilities of the abuse of legislative power in the enactment of special and local laws, without restriction, were called to the attention of the people in many of the States by the increasing volume of special legislation and by the voting of exceptional privileges to certain corporations. Since

<sup>7</sup> Perhaps it should be noted that local and special legislation in this country differs little in character from private legislation in Great Britain, yet the method of procedure in its enactment is quite different. The right of petition for redress of grievances has for a long time been recognized as a fundamental principle in the Constitution of Great Britain and it was, until comparatively recent times, a necessary supplement to the slow moving courts. Petitions for changes in the law were also quite common. As the governmental machinery improved petitions for the redress of wrongs fell into disuse as they became less necessary, and petitions for changes in the laws became, in nature, more of a method of obtaining special privileges. Such applications for special privi-

that time local and special legislation has been prohibited in practically every State by constitutional provisions. Moreover, the number and variety of subjects upon which this kind of legislation is forbidden is gradually increasing: in some States the list has reached as high as thirty. It is noteworthy, also, that nearly every State Constitution which has a section of definite prohibitions contains a general clause providing that in all other cases where a general law can be made applicable no special law shall be enacted.

Specific constitutional restrictions are grouped by Binney into thirteen classes with regard to the subjects affected by them. Besides general restrictions they include limitations and prohibitions as to persons; as to corporations; as to rights, privileges, duties, and property; as to interest, liens, and trade; as to eminent domain, railroads, bridges, and ferries; as to legal proceedings; as to municipal corporations and local government; as to public officers; as to highways and public grounds; as to schools; as to taxation; and as to elections.<sup>8</sup>

Why these restrictions upon the legislative action have come to be regarded as necessary is an interesting problem. An examination into the work of the legislatures of this State before the constitutional restrictions were adopted, and an inquiry into the reasons given for the restrictions

leges came to be known as "private bills" when introduced into Parliament. This term distinguished them from the regular "public bills"—the measures of public policy which originated in Parliament itself—in which the interests of the whole country were involved.

As the amount of necessary legislation increased in volume the governmental machinery increased in efficiency and there were evolved clear-cut rules regulating the passage of both public and private bills. The functions of Parliament with regard to public and private bills are distinct. In the case of a public bill the function of Parliament is purely legislative: while in the case of a private bill it is judicial as well as legislative. The issues involved in the passage of private bills are carefully examined and the acts that are passed measure up to a high standard of legislative and judicial work.

<sup>8</sup> Binney's *Restrictions upon Local and Special Legislation in State Constitutions*, pp. 131, 132.

by the members of the constitutional conventions which formulated the Constitutions will throw some light on the subject.

For a period of eight years — beginning in 1838 when Iowa was organized as a separate Territory and closing in 1846 when the State was admitted into the Union — the legislative department was without limitations in regard to the enactment of local and special legislation. During this period the Legislative Assembly of the Territory of Iowa held ten sessions at which were passed 986 acts, exclusive of joint resolutions. An examination of these laws reveals the fact that more than five hundred of them were clearly local or special acts and that many more were local or special in their operation. Moreover, in these local and special acts a wide range of subjects received legislative attention: streets were vacated, county records were ordered to be transcribed, certain counties were authorized to have an additional justice of the peace, county boundaries were changed, and county seats were located and re-located. The most frequently recurring subjects of special legislation were those for the establishment and changing of particular Territorial roads, for the authorization of ferries and dams, for the granting of charters to corporations and to cities and towns, for the changing of names, and for the granting of divorces. Indeed, more than one-fourth of all the acts passed by the Legislative Assembly during the Territorial period were special acts providing for the laying out, changing, or vacating of roads, and for the authorization of ferries and dams.\*

That there was some opposition to this indiscriminate enactment of local and special legislation is evidenced at times in the journals of the two houses of the Legislative

\* During the Territorial period one hundred and seventy acts were passed to establish, change, or vacate roads and ninety acts authorizing ferries and dams.

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Assembly. In 1840 it appears that the committee on incorporations in the House of Representatives, to whom had been referred a bill to authorize an individual to establish a ferry, reported that in the opinion of the committee ample authority for the establishment of ferries existed in the provisions of the general law regulating ferries which had been enacted by the First Legislative Assembly of the Territory. The committee stated, moreover, that it considered the granting of chartered privileges under such circumstances to be against good public policy.<sup>10</sup> But the legislature continued to grant special charters for ferries.

Early in the session of the Fifth Legislative Assembly of the Territory (1842-1843) a select committee on divorces in the House reported "that it is not good policy on the part of the Legislative Assembly to grant divorces", in which report the House concurred.<sup>11</sup> Later in the same session Governor John Chambers vetoed an omnibus act which granted divorces to no less than nineteen couples. In his message to the House, wherein the bill had originated, Governor Chambers declared that legislative divorces were unjust in that they gave the accused party no opportunity to be heard; he held that such a hearing could be obtained only in a judicial proceeding. He maintained, moreover, that the power of granting divorces did not reside in the legislature and that when that body exercised such power it encroached upon the sphere of the judiciary.<sup>12</sup> Upon its return to the House, however, the bill was taken up and passed over the Governor's veto and became a law.<sup>13</sup>

During the next session of the legislature another select

<sup>10</sup> *House Journal*, 1840-1841, pp. 43, 44. See also *Council Journal*, 1840-1841, pp. 86, 87.

<sup>11</sup> *House Journal*, 1842-1843, pp. 35, 47, 48.

<sup>12</sup> *House Journal*, 1842-1843, pp. 311-313.

<sup>13</sup> *House Journal*, 1842-1843, p. 314; *Local Laws of the Territory of Iowa*, 1842-1843, pp. 82-84, ch. 77.

committee made an extensive report on the question of granting divorces by special acts of the legislature. This report stated that "after mature consideration, we have unanimously come to the conclusion that it [the legislature] possesses no such power [to grant divorces]. In view of the number of petitioners, the course of past legislation, and the natural effects of precedents upon the action of future legislatures, your Committee has deemed it both proper and expedient to state briefly to the House, the reasons that have led them to this conclusion."<sup>14</sup>

In the statement of reasons submitted by the committee emphasis was placed upon the fact that the functions of the legislature were legislative and not judicial; that its purpose was to state what the law should be and not whether it had been violated. The report emphasized the argument that such special legislation took the time that should be devoted to general legislation and pointed out the evil effect that the precedent of granting divorces would have upon future legislatures. In conclusion the committee recommended the adoption of the following resolutions: "Resolved, That the Legislative Assembly of this Territory is not invested with the power to grant divorces from the bonds of matrimony", and "Resolved, That in the opinion of this House, admitting such power to exist, any special legislative action upon the subject of divorces would be highly inexpedient and improper." Both resolutions were adopted by the House, the second receiving a unanimous vote.<sup>15</sup> The legislature, however, continued to grant di-

<sup>14</sup> *House Journal*, 1843-1844, pp. 41, 42.

<sup>15</sup> *House Journal*, 1843-1844, pp. 41-48.

"We believe it particularly important that a correct tone of public sentiment should prevail upon this subject. As yet, with us precedent has not acquired the force of law. Society and law are somewhat in a chaotic state. They will soon take form, and their comeliness in no inconsiderable measure will depend upon the action of this Legislature. If it be once understood that the Legis-

vorces — enacting during the Territorial period a total of twenty-five special divorce laws, some of which granted several divorces under the same title — until the practice was prohibited by the Constitution of 1846.

The fragmentary reports of the constitutional conventions of 1844 and 1846 indicate that the question of granting special charters to private corporations received much attention at that time; and so strong was the opposition to the practice of granting special charters by the legislature, except for political or municipal purposes, that a prohibition of such action was incorporated in the Constitution of 1846.<sup>16</sup> The practice of enacting special laws to lay out and establish Territorial roads likewise received attention in the convention of 1844. It was proposed to insert the following as a section in the article on the legislature: "the Legislature shall provide by a general law, for a method by which State roads may be laid out and established, without the intervention of a special law for that purpose."<sup>17</sup> Although discussion on this point consumed the greater part of one day the proposed section did not become a part of the Constitution of 1846.

From a comparative study of State constitutions it appears that Iowa was one of the first States to provide for

lature of this Territory after mature consideration has concluded that it is both legal and expedient to annul marriage contracts by legislation, the consequences will be baneful to the political as well as the social and moral condition of the people. Our legislature will become a kind of marital pool of Siloam where all the ills of matrimony will be washed away, where the lame and halt from all the States will seek relief from those bonds which they have voluntarily contracted, whenever that relief would be denied them at home, and thus not only a fraud be practiced and encouraged upon the other party and the laws of that State, but the time of the Legislature unprofitably squandered."—*House Journal*, 1843-1844, p. 48.

<sup>16</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 67-101, 141-151, 353, 354. Most of the discussion relates to banking corporations.

<sup>17</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 65, 66.



constitutional limitations upon the enactment of special and local legislation. The action of the Legislative Assembly in passing so many purely local and special acts upon subjects which could have been handled equally well by general laws, and the abuses which arose in connection with their enactment provoked an opposition to the indiscriminate passage of such laws which is clearly reflected in the work of the constitutional conventions of 1844 and 1846. As drafted by the convention and adopted by the people the Iowa Constitution of 1846 included the following restrictions and prohibitions:

All laws of a general nature shall have a uniform operation.<sup>18</sup>

No divorce shall be granted by the general assembly.<sup>19</sup>

Corporations shall not be created in this state by special laws, except for political or municipal purposes; but the general assembly shall provide by general laws, for the organization of all other corporations, except corporations with banking privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law. The state shall not directly or indirectly become a stockholder in any corporation.<sup>20</sup>

These restrictions were in themselves not very comprehensive, but they recognize clearly the wisdom of constitutional provisions of this character. It is interesting to note that almost every State Constitution adopted or revised in the United States since 1846 contains a similar or more extensive prohibition of special legislation.

From 1846 until 1857, when the present Constitution of Iowa was adopted, the State legislature continued to pass local and special acts with but little discrimination. To be sure the Constitution of 1846 prohibited legislative di-

<sup>18</sup> *Constitution of Iowa*, 1846, Art. I, Sec. 6.

<sup>19</sup> *Constitution of Iowa*, 1846, Art. III, Sec. 28.

<sup>20</sup> *Constitution of Iowa*, 1846, Art. VIII, Sec. 2.

vances and special charters for business concerns, but special legislation on other subjects was unrestricted. During this period the General Assembly held six regular and two extra sessions. A total of 1023 laws were enacted, of which nearly sixty percent were purely local or special. The subjects of these acts were varied. Nearly one-fourth of all the laws passed during the whole period were for the purpose of granting or amending city charters and for laying out and establishing State roads. Names were changed, ferries and dams were authorized, and rights of way were granted to railroad and plank road companies. County seats were located and re-located; and counties were authorized to elect additional justices of the peace and to have court records transcribed. Acts to restrain stock from running at large in particular counties were passed. Particular counties and towns were authorized to aid in the construction of railroads. Particular streets in certain towns were vacated by legislative enactment; and other local laws were passed in large numbers. There were laws passed which applied to a single school district in a particular township, and laws that applied to single townships in a particular county. One act exempted certain particular lots in one town from taxation; another provided for taking a census of a part of one county; and still another created an additional precinct in a village township in Van Buren County.

More than one hundred of the acts passed during this period granted special charters to cities or amended special charters already granted. The Sixth General Assembly (1856-1857) alone passed thirty-three such acts, which filled more than two hundred of the four hundred and fifty pages of laws enacted at that session. Special laws relating to roads were multiplied — more than one hundred and thirty were passed during the nine years under review. Legis-

lation on this subject was full of abuse. The legitimate purpose of road legislation was that of facilitating travel and transportation between the different portions of the State. But such legislation seems to have afforded a considerable amount of "spoils". The location of some of the roads required several weeks work — work that was frequently regarded as a sort of picnic junket. Three commissioners were usually appointed to lay out and establish the roads. They were authorized to appoint one or more practical engineers or surveyors and the necessary laborers. In addition to good pay for the time required for the work the necessary expenses for the entire party were allowed. When it is recalled that more than a hundred special acts of this character were passed, that each act provided for the laying out of from one to sixty roads,<sup>21</sup> and that a separate group of commissioners was named for each road, the scope of the patronage from this source can be roughly estimated. To most persons at that time the position of commissioner was a very welcome appointment.<sup>22</sup> Thus the establishment of new roads too often degenerated into political schemes to acquire influence and votes, or to pay off old debts. Since everybody was anxious to appoint some commissioners road legislation became a prolific source of log-rolling in the legislature.

Another source of abuse in connection with special legislation may be found in acts for the location and relocation of county seats and county boundaries. It was shown in the debates in the constitutional convention of 1857 that when a few individuals desired to make a certain point in the county the county seat they had been able, in many instances, to effect changes in the boundaries of counties by

<sup>21</sup> See *Laws of Iowa*, 1850–1851, Ch. 80, 1852–1853, Ch. 106, 1856–1857, Chs. 177, 181, 192.

<sup>22</sup> For a brief account of the work of laying out roads, see the *Annals of Iowa* (Third Series), Vol. IV, p. 72.

special acts of the legislature, thus making the location which they favored a central point in the county. Opposition was also made to the practice of locating or re-locating county seats by special acts, and arguments were advanced in favor of allowing the people of the county to decide upon the location of the county seat.<sup>23</sup>

Some opposition to the indiscriminate enactment of special legislation was offered from time to time prior to the adoption of the Constitution of 1857. Thus a protest was registered in the *Senate Journal* of 1846-1847 against the action of the Senate in passing a bill granting to an individual for a period of twelve years the exclusive privileges of a ferry landing for four miles along the bank of the Mississippi River. The protesting minority declared that the passage of the act was at utter variance with both the spirit and the letter of the Constitution; that it was as complete an act of incorporation for the purposes granted as any act could be for the purpose of carrying on any other branch of business; and that granting to an individual the exclusive right of landing vested in him all the property necessary to carry on his business, except the necessary boats, to the exclusion of the rest of the community. The minority maintained that a special privilege for a ferry was the same in principle as that required to construct a railroad, canal, or for any other purpose; that any privilege granted to one individual or corporation to the exclusion of others was a charter within the meaning of the constitutional provision which prohibited the creation of business corporations by special laws. The bill became a law in spite of the protest, as did many others of like character.<sup>24</sup>

<sup>23</sup> *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 531-539, 551, 552.

<sup>24</sup> *Senate Journal, 1846-1847*, pp. 139, 140; *Laws of Iowa, 1846-1847*, Ch. 12.

There seems to have been a general agreement in the constitutional convention of 1857 that some restrictions with regard to local and special legislation should be imposed upon the legislature of the State, but there was much difference of opinion as to the proper scope of such limitations. In the discussion of this point in the convention the statement was made that it was a matter of common knowledge that a great portion of the time at many sessions of the legislature was spent in the consideration of local and special legislation; whereas, it was the duty of the legislature to pass general laws, so far as possible, to apply to all subjects of local and special legislation.<sup>25</sup>

The Constitution of the State as drafted by the convention and adopted by the people of the State in 1857 contains a more extensive prohibition on local and special legislation than did the Constitution of 1846. The provisions of the Constitution of 1857 are as follows:

All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.<sup>26</sup>

No divorce shall be granted by the General Assembly.<sup>27</sup>

The General Assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for State, County, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all cases above enumerated, and in all other cases where a gen-

<sup>25</sup> *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 532.

<sup>26</sup> *Constitution of Iowa, 1857*, Art. I, Sec. 6.

<sup>27</sup> *Constitution of Iowa, 1857*, Art. III, Sec. 27.

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eral law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.<sup>28</sup>

No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.<sup>29</sup>

Thus, it will be observed that in Iowa the Constitution contains a general prohibition against special legislation as well as limitations with regard to laws dealing with certain specific subjects.

### III

#### PRESENT STATUS OF SPECIAL LEGISLATION

It has been observed that throughout the United States an attempt has been made to cut down the volume of local and special legislation by specific and general constitutional prohibitions, and that almost every State Constitution adopted or revised since 1846 contains such restrictions. An examination of the present status of special legislation should indicate whether the system of constitutional restrictions has solved the problem of special legislation. This much can be said at the outset, namely, that constitutional restrictions have resulted in a large measure of relief, but these limitations have at the same time encouraged the practice of giving local and special acts the form of general laws, while they retain the effect of special legislation.

Illustrations of the use and abuse of local and special legislation are to be found in the session laws of every State in the Union. In many of the States this type of legislation has been much more prevalent than in Iowa.

<sup>28</sup> *Constitution of Iowa*, 1857, Art. III, Sec. 30.

<sup>29</sup> *Constitution of Iowa*, 1857, Art. VIII, Sec. 1.

Among the worst offenders are North Carolina, Alabama, Maryland, Pennsylvania, and Virginia. Not a session of the legislatures of Massachusetts, New York, and Pennsylvania is held but many special enactments are made for Boston, New York City, and Philadelphia. From 1885 to 1908 there were enacted at least four hundred special laws relating to Boston alone; and, observes Mr. William Bennett Munro, "it would be nonsense to assert that their [the legislature's] prolific output of special legislation is needed or desired by these cities, or that it would be forthcoming if the cities themselves had power to order it otherwise."<sup>30</sup>

Constitutional restrictions on special legislation were adopted in Pennsylvania in 1873. Previous to that time, for a period of several years, the statute book for a regular session of the legislature averaged about 1500 pages; since that time they have been, on the average, about one-third as large. This decrease in the volume of legislation enacted was due largely to the restrictive provisions of the Constitution. Just previous to the adoption of the constitutional restrictions on special legislation, the laws enacted at the session of the legislature of that State when published in pamphlet form without the index, covered 1200 pages, of which only sixty-two pages were devoted to general acts, and of the 1100 enactments scarcely fifty related to matters of general public interest. At this same session of the Pennsylvania legislature "nearly one hundred and fifty local or special laws were enacted for the City of Philadelphia, more than one-third that number for the City of Pittsburgh, and, for other municipal divisions of the State, about the same proportion. This was by no means exceptional." In seven years, from 1866 to 1872 inclusive, the State legislature of Pennsylvania passed a total of 9230 acts of which 475 were general laws and 8755 were local and

<sup>30</sup> Munro's *The Government of American Cities*, p. 61.

special. The new constitutional restrictions did away with a great deal of such legislation, but the tendency toward special enactment still persists.<sup>31</sup>

The Constitution adopted by Alabama in 1875 contains restrictions on special legislation which have been evaded consistently, so that local and special laws in great numbers have been enacted at every session of the legislature. North Carolina, whose Constitution contains practically no restrictions on special and local legislation and whose Governor possesses no veto power, is probably the most prolific of all the States in the enactment of special laws. Local and special acts are passed upon almost any subject, and the laws are multiplied until it is almost impossible to determine what the law is. During the session of the Virginia legislature, which was held in 1901-1902, there were enacted 694 laws of which only eighty-seven were general and permanent in character. Since the adoption of the new Constitution, which contains numerous restrictions on special and local laws, the proportion of such legislation has noticeably decreased.<sup>32</sup>

Perhaps the most striking illustration of the abuse of local and special legislation is furnished by the legislative

<sup>31</sup> *Report of the Fourth Annual Meeting of the Pennsylvania Bar Association*, 1898, pp. 107, 108.

In the Constitutional Convention of 1872 one member said: "In looking over the acts which the Legislature has passed for the past few years, say commencing with 1866 and ending with 1872, we find the following results:

In 1866, general laws passed were 50; special laws were 1096.

In 1867, general laws passed were 86; special laws were 1392.

In 1868, general laws passed were 73; special laws were 1150.

In 1869, general laws passed were 77; special laws were 1276.

In 1870, general laws passed were 54; special laws were 1276.

In 1871, general laws passed were 81; special laws were 1353.

In 1872, general laws passed were 54; special laws were 1232."

— *Debates of the Convention to Amend the Constitution of Pennsylvania*, 1872, Vol. II, p. 592.

<sup>32</sup> See *Annual Report of the New York State Library*, 1902, Vol. I, Bulletin 79, pp. 456, 457.



history of Maryland. Although the Constitution of the State contains limitations on such legislation, the Court of Appeal has so interpreted the restrictive clauses as to render them of little value. The constitutional restrictions were adopted in 1867, but it was not until 1903 that the courts declared an act void under the clause prohibiting special legislation.<sup>33</sup> Local and special acts made up about eighty or eighty-five percent of the legislation enacted, and usually as many as one-half of the general laws were only of temporary and limited application. In 1904 Allegheny County had between twenty-five and thirty local laws passed for its benefit. Thirty-four local measures were passed at the same session on the one subject of game. In 1900 the legislature passed fifty-eight special acts incorporating private enterprises, and eighty-six special acts amending private charters or giving additional powers to corporations already organized.<sup>34</sup>

In the States mentioned above the abuses of special and local legislation are a serious evil; but in many other States the situation is nearly as bad. It would not be possible, however, in this connection to discuss many instances of special legislation in each of the several States. The instances cited suggest some of the extremes. On the other hand, the legislatures of many of the States which have constitutional restrictions on local and special legislation have adhered to both the spirit and the letter of the prohibitions, and the problem in regard to special legislation no longer exists.

Taking all of the States of the Union into consideration there were, according to the statistics compiled by the New York State Library in its *Index of Legislation*, a total of

<sup>33</sup> Reinsch's *American Legislatures and Legislative Methods*, p. 302.

<sup>34</sup> See Leser's *Report on the Evils of Special and Local Legislation in Report of the Ninth Annual Meeting of the Maryland State Bar Association*, 1904, pp. 160-185.

86,006 acts and resolutions passed by the State legislatures during the nine years from 1900 to 1908, inclusive. Of these 86,006 acts and resolutions only 34,110 were classed as being of more than local or temporary interest.<sup>35</sup>

In Iowa the prevalence of local and special legislation before constitutional restrictions were imposed in 1857 has been indicated. Here the fact should be noted that, although a large percentage of the laws enacted during the early State period were local or special, the volume of legislation had not in itself assumed such large proportions as it did in many other States before constitutional restrictions were resorted to. Nor can it be said that the prohibitions on special legislation have decreased the volume of laws in this State. The constitutional restrictions have for the most part done away with special and local legislation along the line of the specific prohibitions; but there has continued to be enacted a large number of temporary, local, and special acts which do not come under the provisions of the constitutional prohibitions. For instance, the *Revision of 1860* contains less than one-third of the acts passed by the Eighth

<sup>35</sup> In an explanatory paragraph with regard to indexing the legislative enactments of the States the following appears:

"All general permanent laws are included. Private, local and temporary acts, unless of great general interest, are omitted. Many acts general in form but special in their application are also omitted. Private acts applying to particular persons or granting relief to specific public officers and local acts applying to a single political division or to but a small proportion of the political divisions belonging to the same class are omitted. Important local acts other than amendatory, on subjects of general interest, are included. New city charters are included but amendments thereto are omitted. Constitutional amendments both local and general are included. All general appropriation bills are omitted. Special appropriation acts providing for the establishment of a new institution or making some extraordinary appropriation of great general interest are included. Laws providing for the general management and control of a particular state institution are included but those relating to some detail of its administration are omitted. All laws legalizing acts already performed are omitted. Laws of Congress and of the noncontiguous territories of the United States are omitted."—*Annual Report of the New York State Library*, Vol. III, Supplement 9, p. 5, Legislation 36.

General Assembly in 1860. The other laws or enactments of that session were published in a separate volume, because they were regarded as being too local, temporary, or special to be included in the *Revision*. The statute laws passed by the Fourteenth and Fifteenth General Assemblies in 1872 and 1874, respectively, were published in two parts — one part containing the general laws and the other part the private, local, and temporary acts. In both cases the special and local enactments outnumbered the general laws.

During the last thirty years the General Assembly of this State has held fifteen regular and two special sessions at which more than 3700 laws have been enacted, exclusive of joint resolutions. In all but one or two of the volumes of session laws the acts are divided into four parts containing respectively, the general laws, the appropriation acts, the legalizing acts, and the special and local laws. Two-thirds, or about 2400, of the acts are listed as general laws; and one-third, or about 1300, are listed under the other divisions, of which approximately 600 are legalizing acts, 500 appropriation acts, and 200 special and local acts.

The above recital of statistics is of little importance except to indicate that the greater proportion of the laws enacted in this State are general and that if unnecessary and undesirable special legislation is being enacted it is covered up and appears largely in the form of general law. Appropriation acts must from their nature be special. Legalizing acts for the purpose of making valid an informal act of a municipality or other minor subdivision of the government must also be continued, unless some scheme can be worked out whereby the power to legalize informal acts may be delegated — a scheme that would probably require a constitutional permission.

It may be conceded that some restriction should be placed

upon the passage of legalizing acts which would tend to discourage municipalities from performing informal acts on the strength of the assumption that a legalizing act can be easily secured when the legislature meets. Governor Sherman vetoed a general legalizing act in 1882; and in his message to the Senate where the bill had originated he said that "at best, legalizing acts are of doubtful expediency. The effect is to promote inattention to the plain requirements of law thus tending to increase litigation among the people which should be discouraged."<sup>36</sup>

The division containing the local and special acts in the published session laws includes the laws enacted for the purpose of making corrections in statutes and the harmless local and special acts, many of which were of a temporary character and of utility at the time of enactment. It can be said that the constitutional restrictions in this State have, to a large extent at least, prevented the more serious abuses connected with local and special laws. The most objectionable special laws which the legislature has continued to pass in this State are those which, though couched in general terms, are in fact applicable to but one city.

## IV

## CLASSIFICATION

The absolute prohibition of local and special legislation would not be feasible since there are conditions for which special provision ought to be made. The power to meet such conditions must necessarily be lodged with the legislature. To impose absolute restrictions upon the law-making authority would be to invite the further circumvention of constitutional law. Consequently the practice of classification has developed for the relief of situations where

<sup>36</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 379.

special legislation is called for and general legislation is required by the Constitution.

The adoption of constitutional restrictions upon local and special legislation has compelled the enactment of general laws in many cases where no well-defined classes had previously been recognized as existing. In such cases a classification of certain subjects of legislation is necessary in order that laws which are to apply to the class may not apply where they would be ill-suited and yet may be general within the meaning of the constitutional provisions. Moreover, a class, in order to come within this meaning, and be eligible for legislation peculiar to itself, must be composed of a group of individual units ranked together as possessing common characteristics. Although classification is to some extent necessary, nevertheless, wherever it is resorted to there is likely to be considerable special legislation which may be either good or bad.

While no one condition embodies all of the rules of classification usually recognized by the courts the following five, stated by Mr. C. C. Binney, seem clearly to be legitimate. He observes that although no comprehensive statement of what constitutes a valid classification is to be found in any one reported case, there is general agreement that it must not be arbitrary. The rules enumerated below are supported by judicial decisions, though authorities differ in the reliance placed upon the various grounds.

1. All classification must be based upon substantial distinctions, which make one class really different from another.
2. The classification adopted in any law must be germane to the purpose of the law.
3. Classification must not be based upon existing circumstances only, or those of limited duration, except where the object of the law is itself a temporary one.
4. To whatever class a law may apply, it must apply equally to each member thereof, except only where its application is affected by the existence of prior unrepealed local or special laws.

5. If the classification be valid, the number of members in a class is wholly immaterial.<sup>37</sup>

If these rules in regard to classification were adopted by legislative bodies and strictly adhered to in the enactment of laws it is probable that the abuses of special legislation under cover of classification would disappear. It may also be observed that an act providing for classification may furnish a legislative precedent, but it can not bind the legislature. The constitutionality of each classification act must be determined separately, and the legislature is not bound to use the same sort of classification at different times even in similar cases. It is a fact that the practice of classification is usually developed wherever constitutional restrictions upon the enactment of local and special legislation are provided.

In States where legislation concerning private corporations must take the form of general laws, the largest body of special acts will consist of those relating to municipal corporations — at least this will be true until such corporations are granted a larger measure of home rule than any State has yet provided. Provision for their organization and government, and for the extension of their powers when necessary, by general laws is possible in the majority of cases. But until local self-government is granted, it is convenient and at times expedient to classify such municipal corporations so that only a very small number or even only one city will fall within a class. A comparative study of State statutes shows that cities may be classified for many purposes and in a variety of ways. Counties have also been made the subject of classification in some States.

Where the classification is based upon some essential

<sup>37</sup> Binney's *Restrictions upon Local and Special Legislation in State Constitutions*, pp. 58, 59.

characteristics the act preserves the character of a general law, although it may refer to a comparatively small class. The case seems somewhat different, however, when the classification consists of but one corporation. But it has not been uncommon in the States where the Constitution prohibits special acts relative to municipal and local governmental units to so classify the various subdivisions that there are classes composed of but one city or county. Where this practice prevails it of course serves the same purpose as special legislation and is subject to the same abuses. In some instances, however, such a classification may be very desirable.

While the scheme of classification has a legitimate use in connection with special and local legislation it is subject to abuse. The Ohio Constitution of 1851 prohibited the incorporation of cities by special acts. Accordingly, in 1852 the legislature enacted a general municipal code for cities. This code divided the nine cities of the State into two classes, and applied different regulations to the classes according to their needs. Soon, however, the legislature began to pass special acts under the guise of a further classification. The different classes were divided until there were eleven grades of cities, eight of which contained only one city each.<sup>38</sup> In this way the legislature circumvented the constitutional restriction of 1851 which forbade special acts of incorporation: in Ohio special legislation continued unabated. The Supreme Court of the State sustained the legislature in this perverted form of classification in a line of decisions extending over a period of fifty years. Finally the practice became unbearable, and in 1902 the Supreme Court reversed its earlier decisions, in spite of the established precedent, and forced the legislature to enact a new municipal code with provisions that applied

<sup>38</sup> Munro's *The Government of American Cities*, pp. 54-56.

uniformly to all Ohio cities of more than 5000 population. But the new code was almost as bad as the special legislation. Some seventy cities, ranging in population from 5000 to 500,000, were forced to conform to the same provisions without regard to their special problems and peculiar needs. Some of the larger cities were greatly handicapped in their efforts to deal with local problems. Some relief from this situation was secured in 1912 when a home rule charter system was established and in 1913 when legislation embodying three different forms of city government was placed upon the statute books of the State.<sup>39</sup>

In Pennsylvania the courts have held that the legislature can classify cities so as to include but one city within a class, because population is the best basis for classification.<sup>40</sup> And in California a classification of the forty-eight counties of the State into forty-five classes has been upheld.<sup>41</sup>

Some of the States, recognizing that it is undesirable to require all cities to be governed by the same rules but fearing the abuse which might result if the legislature were left free to classify cities as they saw fit, have incorporated a classification of municipalities in the Constitution. Where this plan had been adopted cities are usually grouped into three or four classes according to population, and the statutes enacted by the legislature must apply to all the cities within one of the groups. Such classifications are artificial and usually take into account none of the real differences between cities of approximately the same population. Most of them fail also to provide for the passage of a city from one class to another. Notwithstanding its shortcomings such a plan is better than the prohibition of all special legis-

<sup>39</sup> Patton's *Home Rule in Iowa* in *Iowa Applied History Series*, Vol. II, p. 152.

<sup>40</sup> Reinsch's *American Legislatures and Legislative Methods*, p. 153.

<sup>41</sup> Patton's *Home Rule in Iowa* in *Iowa Applied History Series*, Vol. II, p. 107.



lation and perhaps an improvement over the practice of allowing the legislators to make such classifications as may seem best in their judgment.<sup>42</sup>

Iowa has not been free from legislative classification which seems to evade the constitutional restrictions on special legislation. The Constitution of this State prohibits the incorporation of cities and towns by special acts and requires that the laws relative to cities shall be general and of uniform operation. At the same time no extensive power of self-government is provided, and so the greater part of all the local and special legislation enacted in this State has to do with cities and towns. It is recognized that laws adapted to towns are not always adapted to cities, and that laws which satisfy the conditions of small cities do not in many cases satisfy the conditions of large cities. And so, to meet the needs of municipalities which require different rules for their government classification has been resorted to in this State.

In conformity with the provision of the Constitution of 1857 the Seventh General Assembly in 1858 enacted a municipal code for the incorporation and government of Iowa municipalities. According to the provisions of this act the municipalities of the State were grouped into (1) cities of the first class, (2) cities of the second class, and (3) towns. This general incorporation law, with certain amendments and additions, is still in force.

Special charter cities were permitted to come under the general incorporation law of 1858, or to retain their special charters. While most of the special charter cities soon took advantage of the new law, five Iowa cities still retain their special charters. Important modifications in the provisions of the municipal code were made in 1907 and in 1915 when the commission form of government and the manager plan

<sup>42</sup> Munro's *The Government of American Cities*, p. 58.

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of government, respectively, were authorized for certain cities at their option. There are in this State, then, the following recognized classes of municipalities for which legislation is enacted: (1) cities of the first class, (2) cities of the second class, (3) towns, (4) special charter cities, (5) cities under the commission form of government, and (6) cities under the city manager plan. Nor are these classes strictly exclusive. Legislation is freely enacted for different groups in these various classes; and many illustrations of special classification which include but a single city are to be found in the session laws of the State.

For example, an act passed by the Twentieth General Assembly<sup>43</sup> relative to public improvements applied only to cities of the first class organized subsequent to a specified date which made the law applicable to but one city (Sioux City), and the validity of the classification was upheld. In reviewing this legislation the court said: "Nothing in the specifications [of the Constitution] is in any way a prohibition on the legislative authority to legislate specially with reference to cities of a particular class, nor as to particular cities of a class, by any form of designation".<sup>44</sup>

Again, an act passed by the Twenty-second General Assembly<sup>45</sup> in 1888 granting certain powers and privileges to all cities of the first class having a population of thirty thousand or over (which would at that time, apply only to the city of Des Moines) was assailed as local and special. In disposing of this contention in the case of *Tuttle v. Polk* the court said:

At the time it [the act in question] was enacted the city of Des Moines was the only one in the state having a population as great as the number stated, but that fact did not make the act special, for

<sup>43</sup> *Laws of Iowa*, 1884, Ch. 20.

<sup>44</sup> *Owen v. Sioux City*, 91 Iowa 190, at 192.

<sup>45</sup> *Laws of Iowa*, 1886, Ch. 168, 1888, Ch. 44.

the reason that it was not restricted to cities having the required population at the date it became a law, but was general, applying to all cities which should thereafter have more than thirty thousand inhabitants.<sup>46</sup>

Indeed, classification which has resulted in legislation for one particular city in this State has been common. The records show that such legislation has been enacted for Des Moines, Sioux City, Davenport, Cedar Rapids, Waterloo, and other cities. Even the five special charter cities of the State have been grouped into classes for legislative purposes.<sup>47</sup> The Thirty-sixth General Assembly in 1915 passed one act which seems to have been for the benefit of Council Bluffs. This statute states that where any city has received prior to July 1, 1880, from the United States a grant of the title to a meandered lake within its corporate limits for recreation and park purposes and has devoted the same to the public use for more than twenty years, may certify to the fact to the county auditor and so cause an additional tax to be collected for the ensuing five years for the purpose of improving such lake. Another act passed by the same General Assembly, and which can apply only to Cedar Rapids, provides that "any city of this state having not less than thirty thousand nor more than thirty-five thousand inhabitants according to the federal census of A. D. 1910"

<sup>46</sup> Tuttle v. Polk, 92 Iowa 433, at 443.

<sup>47</sup> For illustration of acts applicable to Des Moines only see *Laws of Iowa*, 1888, Ch. 44, 1902, Ch. 31, 1904, Chs. 27, 29, 1907, Ch. 34, 1911, Ch. 37, 1913, Ch. 98.

For acts applicable to Sioux City see *Laws of Iowa*, 1884, Ch. 20; *Supplemental Supplement to the Code of Iowa*, 1915, Sec. 495.

For acts applicable to Cedar Rapids see *Laws of Iowa*, 1909, Ch. 13; *Supplemental Supplement to the Code of Iowa*, 1915, Secs. 2033-g to 2033-k.

For acts applicable to Waterloo see *Laws of Iowa*, 1913, Ch. 347.

For acts applicable to Council Bluffs see *Supplemental Supplement to the Code of Iowa*, 1915, Sec. 850-p.

For acts classifying the special charter cities see: *Laws of Iowa*, 1902, Ch. 51, 1907, Ch. 46, 1911, Ch. 46; *Supplemental Supplement to the Code of Iowa*, 1915, Secs. 997-a to 997-b.

may authorize interurban railways to extend, construct, and operate their lines upon the same streets where railroad tracks are located and compel railroads to make such changes in their tracks as may be necessary in order to accomplish the purposes of the act.<sup>48</sup>

It is not the purpose of this paper to condemn all such classifications. Special social and economic conditions should at times be taken into consideration, and in case the municipality has no power to act independently to bring about needed change the legislature must act. The illustrations given above indicate the attitude of the courts in this State: they have upheld the General Assembly in its various classifications of municipalities; but an act which specifically stated that it was applicable to but one city was held to be unconstitutional because a general law of uniform operation could have been enacted in its stead.<sup>49</sup> Nor can the charge be sustained that special legislation through classification has resulted in serious abuse in this State. Some abuse and some discrimination has, no doubt, resulted and the possibility of further abuses will continue as long as cities are obliged to secure legislation for their special and peculiar needs through special legislation made to appear general by resort to classification.

## V

## ABUSES OF SPECIAL LEGISLATION

It has been indicated that there are abuses of a more or less serious character connected with the practice of enacting local and special laws. A brief statement of some of the most undesirable features of such legislation will perhaps suggest the reasons for the constitutional restrictions which

<sup>48</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 850-p and 2033-g to 2033-k.

<sup>49</sup> *Town of McGregor v. Baylies*, 19 Iowa 43.

have been adopted in nearly all of the States. It has been said of local and special laws "that they consume time, they sap energy, they discourage talent, they conceal iniquities, they make law a by-word, they transform legislatures into tribunals of adjudication and courts into organs of legislation. . . . Our unfortunate habit of carrying all our local and private ailments to the state capitol, to have the virtuous adhesive of a special law applied, has transformed our law-making bodies into quack commissions with mongrel duties."<sup>50</sup>

The above arraignment is probably too severe as applied to most of the States, but as regards the situation in some Commonwealths it is not overdrawn. Special and local legislation does consume the time of the legislature, but this is not a serious evil. If the legislature would devote more time to the consideration of such legislation and not pass a special or local act until the reasons why it should be passed were produced, the demand for special legislation would decrease. But local and special bills are usually referred to committees and receive little if any consideration before the house. Furthermore, local and special bills usually go to committees whose members are favorable to such bills; and when the committee reports such bills favorably they are likely to pass the house without debate: the ease with which special legislation is passed increases the demand for it.

A more serious objection to local and special legislation, and especially to corporate legislation, is that it produces a mass of slightly different provisions where simplicity and uniformity are desirable. The volume of law is increased. Numerous concerns hold charters with slightly diverse provisions. This diversity increases the difficulty of regulation and makes uncertain the outcome of suits, because each individual charter differs slightly from all others. The State

<sup>50</sup> Orth's *Special Legislation in The Atlantic Monthly*, Vol. 97, p. 69.

of Iowa has fortunately escaped most of the evils of special charters since the granting of such charters was prohibited by the first Constitution. In Maryland, however, powerful interests have secured exceptional privileges and exemptions. Powerful combinations have been able to secure special charters, while the less favored enterprises have been obliged to incorporate under the general incorporation law.

It appears that the larger number of special charters are granted to banking companies and public service corporations and that in many instances they are secured only to be delivered to another party. Politicians sometimes secure such special charters for the purpose of disposing of them to interests who will be benefited by their possession or to rivals who are persuaded to buy them off in self-protection. In 1900 the Maryland legislature passed fifty-eight special incorporation acts and eighty-six acts amending private charters.<sup>51</sup> Such abuse of legislative authority is unnecessary. The best manner of providing for the needs of private corporations is well understood, and general laws permitting organization by voluntary association are on the statute books of almost every State. Legislatures should firmly refuse to consider an exception.

Local and special legislation encourages log-rolling and furnishes a means of holding up the work of the legislature. Local laws are referred to the delegation from the locality affected, and there is no opposition and very little investigation and consideration. In the Iowa constitutional convention of 1857 Mr. Harris stated that while a member of the State legislature he had, along with others, opposed from the outset the enactment of local and special laws: that they adhered to their stand until they were compelled to either cease opposition or lose their influence upon more

<sup>51</sup> Leser's *Report on the Evils of Special and Local Legislation in Report of the Ninth Annual Meeting of the Maryland State Bar Association*, 1904, p. 174.

important questions in the form of general laws. "We found", declared Mr. Harris, "that we should lose our influence upon matters of general policy, affecting the entire interests of the State, under the personal feeling engendered by these local questions, if we persisted in requiring parties to obtain their ends through the general laws already in force. We found that persons would come to the Legislature, at an expense to the State of two or three dollars per day, costing them nothing, to obtain that which they could obtain through the courts, because, if they went into the courts they would be under the necessity of paying fees for it."<sup>52</sup> The enormous number of bills that are introduced in our modern assemblies makes it impossible for any one member of the legislature to know what is going on. Necessity has developed the committee system and coöperation, often to the extent that unwholesome log-rolling is necessary in order that a legislator secure the favorable action of the body upon any measure in which he is especially interested.

The demand for special and local legislation grows almost in proportion to the ease with which it is secured. If localities and interests secure legislation without trouble they soon learn to expect favorable legislation along almost any line. Legislatures may form the habit of legislating for particular objects rather than along the line of general principles. In the wake of too much special legislation legislatures in time come to distrust themselves: they shift the responsibilities of legislation upon the State executive. This is done through a willingness to let poorly worked out measures and special acts pass with the excuse that the Governor will veto unwholesome measures.

The judicial branch of the government has also learned not to respect too highly the work of the legislature. In a

<sup>52</sup> *The Debates of the Constitutional Convention, 1857, Vol. I, p. 565.*

recent case the Supreme Court of Pennsylvania said in regard to the constitutional restrictions against local and special legislation:

It was a wise provision and will be sternly enforced. It is our purpose to adhere rigidly to that instrument, that the people may not be deprived of its benefits. It ought to be unnecessary for this court to make this judicial declaration, but it is proper to do so, in view of the amount of legislation which is periodically placed upon the statute book in entire disregard of the fundamental law.<sup>53</sup>

This thrusting upon the courts of statutes repugnant to the fundamental law has done much to lessen the respect of the judiciary for the legislature. In the president's address before the Pennsylvania Bar Association in 1898, Mr. Hensel used the following strong language:

Session after session, their [the legislature's] work is characterized by willful defiance and reckless disregard of plain constitutional mandate, executive warning and judicial precedent. Unconstitutional, special and local acts; pensions and gratuities without warrant of law; bald attempts to revive local legislation by the repeal of local repeals; acts inadequate for their purpose and intent; bills expressed in unintelligible language; different statutes, identical in purpose, and even in text, separately enacted at the same session, are allowed to pass — only to choke and obstruct the consideration of really useful and needed legislation that is offered.<sup>54</sup>

The practice of enacting special and local legislation has often become the stronghold of corruption in legislative bodies. It affords the political boss and his backers a powerful aid in granting or withholding special privileges and advantages. It wastes time: it has been one of the greatest factors in accelerating the tendency to increase the power of the executive department at the expense of the legislative branch of the government. It has decreased the respect of

<sup>53</sup> *Morrison v. Bachert*, 120 Pa. 322, cited in and quoted from *Report of the Fourth Annual Meeting of the Pennsylvania Bar Association*, 1898, p. 121.

<sup>54</sup> *Report of the Fourth Annual Meeting of the Pennsylvania Bar Association*, 1898, p. 137.



the people for legislative bodies and of the individual legislator for the body in which he sits. And finally, special legislation seems to be, in part at least, responsible for the widely deplored retrogression of State legislatures.

## VI

## PROPOSED REMEDIES FOR SPECIAL LEGISLATION

In the movement for the improvement of the legislative product it is probably true that the abuses of local and special legislation are over-emphasized and that the legitimate place of such legislation is minimized if not entirely overlooked. In providing for constitutional restrictions it has too often been assumed that local needs are uniform, and that local and special legislation is never based upon real necessity. Now the fact is that the economic and social needs of different communities of a State, demand variation in regulation. The solution of the problem, therefore, does not seem to lie in the absolute prohibition of all special legislation, but rather in the adoption of some means through which the legitimate demand for special consideration can be met without opening the way to the abuses which have too often arisen through the enactment of local and special legislation.

A very simple solution of the whole difficulty would be to eliminate the problem by ignoring it so far as constitutional restrictions are concerned. That is to say, the legislature might be left free to pass special laws when the situation seems to warrant their enactment. This solution appeals both to the legislators themselves and to the people.

On the other hand an enormous amount of local and special legislation has undoubtedly done much to decrease the confidence of the people in legislative bodies, and partly for this reason fewer legislative sessions have been advocated as a protection against the legislature. The flood of un-

necessary special legislation in Alabama did much to bring about the radical move of increasing the interval between regular sessions of the State legislature to four years. And it was argued with effect in the Iowa constitutional convention of 1857 that the restrictions on local and special legislation would make annual sessions of the legislature unnecessary. It would be difficult to show, however, that a decrease in the number of legislative sessions would prevent unwholesome special legislation.

It has been suggested that much of the abuse of local and special legislation might be eradicated if the legislature could choose a standing commission on special bills<sup>55</sup>—the commission to be made up of lay citizens and to hold sessions before the legislature convened, at which sessions the members of the commission would have power to investigate all local and special bills and report to the legislature. This would require the preparation in advance of all bills for special legislation. Publicity could be had and the unwholesome bills could be sifted out. A reform of this character would, however, add one more to the ever-increasing number of special commissions.

At the present time a number of the States require that certain special and local bills be filed with the proper committee before presentation, and that notice be given to the localities to be affected. Another suggestion is that provision be made for a separate calendar for local and special bills and that the expense of such legislation be charged to the parties interested. Or the requirements might be made that all special and local bills be introduced early in the session or before a specified date and that there be publicity of procedure on such bills.

In New York it is recognized that special legislation for individual cities may at times be desirable; but it is also

<sup>55</sup> Orth's *Special Legislation* in *The Atlantic Monthly*, Vol. 97, p. 72.

conceded that some limit should be placed upon such action. While the policy of classifying cities according to population and requiring uniformity of legislation for all the municipalities in each class is practiced, there is also a constitutional provision whereby special legislation may be enacted for individual cities. In such cases the city to be affected by the proposed act must be consulted. Legislation applying to a single city, or to any number of cities in a class less than the whole class, must be sent to the mayor of the city concerned after it has passed both branches of the legislature. The mayor is required to return the measure within fifteen days with a statement as to whether it is acceptable to the city authorities. If the measure is acceptable it goes to the Governor for his signature: if it is objectionable it must be passed a second time by both houses before going to the Governor.

In the State of Illinois special legislation for the city of Chicago is permitted, but before such legislation can go into operation it must receive the sanction of the voters of the city at a referendum election. While this provision does not guarantee that Chicago will always get the legislation that it wants and needs, it does guard against obnoxious measures.<sup>56</sup>

The law-making body in Iowa has usually considered the local areas to be the agents of the State and dependent upon the legislature. Indeed, under the American form of government "the legislature creates municipal corporations, defines and limits their powers, enlarges or diminishes them at will, points out the agencies which are to execute them, and possesses such general supervision over them as it shall deem proper and needful for the public welfare."<sup>57</sup>

<sup>56</sup> For a brief discussion of the New York plan and the Illinois plan see Munro's *The Government of American Cities*, pp. 58-60.

<sup>57</sup> Patton's *Home Rule in Iowa* in *Iowa Applied History Series*, Vol. II, p. 121.

There is much difference of opinion as to the proper position of local areas — particularly that of municipal corporations. At the same time “the view which seems to have gained the greatest foothold outside the legislature is the view that municipal corporations ought not to be considered as administrative agents of the State: they should be allowed to determine their own organization and policies.”<sup>58</sup>

As long as the present scheme of municipal organization obtains it will be almost impossible to do away with the large volume of the special legislation which is now being enacted. In Iowa in 1911 twenty-six acts were passed giving cities and towns power to act in matters where they ought to be able to act without special legislative authority; and thirty-three legalizing acts for the relief of cities and towns were passed at the same session of the General Assembly.<sup>59</sup>

Home rule for local governmental areas — the right of the people within a given area to govern themselves — seems to be the most promising remedy for over-legislation in the form of special acts. Moreover, the tendency in legislation seems to be toward a more extensive system of local self-government. Many of the States have already provided a more or less extensive system of home rule charters for cities, and a few have adopted the same scheme for counties.<sup>60</sup> This system originated in Missouri with the adoption of the Constitution of 1875, which gave to the city of St. Louis privileges in self-government which had never before been possessed by any American municipality: the people were allowed to select a board of freeholders to frame

<sup>58</sup> Patton's *Home Rule in Iowa* in *Iowa Applied History Series*, Vol. II, p. 122.

<sup>59</sup> Horack's *The Work of the Thirty-fourth General Assembly of Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. IX, p. 478.

<sup>60</sup> See Patton's *Home Rule in Iowa* in *Iowa Applied History Series*, Vol. II, pp. 91, 133.

a charter for the city without interference from the legislature, and this charter was to be submitted to the people for their approval or rejection. At first this scheme grew slowly, but it has been modified and extended rapidly since 1900.

It can not be said, however, that placing the home rule charter system on a constitutional basis has eliminated all special legislation. The legislatures of all the States still retain large control over the home rule cities. In most of the States the courts have been inclined to restrain the action of the local self-governments within the narrowest possible limits. But this does not mean that greater freedom can not be achieved and that special legislation can not be further reduced through the application of the principle to local governments.

Constitutional restrictions, both specific and general, have done much to decrease the volume of State legislation and do away with other objectionable features of special legislation. They indicate that the existence of the problem with its accompanying abuses is recognized and that there is a determination to solve the problem and do away with legislative inefficiency. It was stated earlier in this paper that in States where private corporations can be legislated for only by general laws, the largest body of special legislation consists of acts relating to municipal corporations. It seems reasonable to believe that when the problem of State and local functions is clearly understood and acted upon the necessity for the larger part of special legislation will have disappeared.

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## RECENT LIQUOR LEGISLATION IN IOWA

Few problems in recent times have been the cause of greater embarrassment to legislators, administrative officers, and political party leaders than the regulation of the liquor traffic — a subject concerning which there has been little scientific data upon which to base a constructive program of legislation. The forces leading in the movement for temperance reform have been energetic and at times fanatic in their zeal: too often they have declined to accept established facts which did not accord with their views. On the other hand, the liquor interests in advancing arguments to combat the enactment of obnoxious legislation have been over-eager to make out a good case for themselves. It is only in very recent years that really serious attempts have been made to study the drink habit in its physiological, moral, and social aspects, and to formulate a scientific plan for the elimination of the evils of intemperance.

Wave after wave of prohibitory legislation has swept through the Commonwealths of the United States during the last three-quarters of a century. At present the great interest in the subject has been heightened by the regulatory measures taken by the warring nations of Europe. That the liquor question is one to be reckoned with in Iowa just now is evidenced by its embittering effect on the recent political campaign and by the prohibitory constitutional amendment now awaiting the action of the General Assembly.

### IOWA'S EXPERIENCE IN LIQUOR LEGISLATION BEFORE 1909

Almost every known method of regulating the liquor traffic has been given a trial in Iowa during the seventy

years since the State was admitted into the Union, as was shown by the writer in a series of articles published in 1908.<sup>1</sup> A local option law enacted in 1847 gave immediate promise of satisfaction; but within two years the results had proved so disappointing that the legislature reverted to the policy of Territorial days and passed a license law. Little good was accomplished by a provision of the *Code of 1851* which prohibited the sale of intoxicating liquor "by the glass" or "by the dram" for consumption on the premises, but did not forbid its sale as merchandise.

Beginning in the winter of 1850-1851, however, there sprang up a propaganda which hitherto had claimed few adherents in Iowa, but which soon assumed large proportions. This was a movement in favor of prohibition. Great impetus was given to this agitation by the enactment of the famous prohibitory law of Neal Dow in Maine in June, 1851; and during the succeeding four years the temperance forces in Iowa bent all their energies toward securing a similar law for this State. By a threat of forming a separate political party they even induced the Whigs to place in their platform of 1854 a plank declaring that "the people of this State are prepared for, and their interests require, the passage of a law prohibiting the manufacture and sale of ardent spirits within the State as a beverage." Success crowned the movement in 1855 when a prohibitory law was enacted and received popular approval upon being submitted to a vote of the people in accordance with a referendum clause in the law itself. Moreover, the constitutionality of the law was upheld by the Supreme Court in spite of its referendum feature.

Apparently satisfied with having placed the law on the statute books, most of the advocates of prohibition forth-

<sup>1</sup> These articles appeared in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, pp. 55-87, 339-374, 503-608; and to them the reader is referred for a more detailed discussion of liquor legislation in Iowa before 1909.

with lost interest in the result. Soon it was proved that a law of this nature, without adequate machinery and personal initiative for its enforcement, does not long escape frequent and open violation. A reaction ensued and in 1857 the legislature passed a license law with a local option feature. This statute, however, failed to meet the test of constitutionality at the hands of the Supreme Court. One year later the severity of the prohibitory law was mitigated by an amendment which exempted from the prohibition "beer, cider from apples or wine from grapes, currants or other fruits grown in this State."

The succeeding two decades witnessed no important development in the matter of liquor legislation. It is true that many minor laws were enacted and that in 1870 a local option measure was passed only to meet the decree of unconstitutionality. The prohibitory law of 1855, as amended by the wine and beer clause of 1858, remained on the statute books; but it exercised so little restraint on the liquor traffic that it encountered almost no opposition from the dealers in intoxicants. The prohibition adherents, on the other hand, grew increasingly uneasy over the situation and finally forced the liquor question into politics by the launching of a third party in the campaign of 1875. In the following year there occurred the organization of the State Temperance Alliance, which soon grew to be a remarkably effective agency for the crystallizing of prohibition sentiment.

Then in 1878 there was inaugurated a campaign for an amendment to the State Constitution prohibiting the manufacture and sale of intoxicating liquor. With surprisingly little opposition the Republican party espoused the cause of constitutional prohibition in its platform of 1879. An amendment was proposed by the General Assembly in 1880, approved at the succeeding session in 1882, submitted to the people in June, 1882, and adopted by them by a majority of



nearly thirty thousand. But in the midst of the exultation in the prohibition camp there came the disheartening decision of the Supreme Court, declaring the amendment invalid on the ground of a flaw in the process of its adoption.

Staggered by this blow, the prohibitionists did not long sit in sackcloth and ashes, but began looking about for other means to accomplish their purposes. Finding scant favor in the traditional attitude of the Democratic party, they turned to the Republicans in hope of aid. Nor were they disappointed, for in its platform of 1883 the Republican party pledged itself to secure in statutory form the principle of prohibition for which a majority of the people had expressed their wish at the special election in June, 1882. In the campaign of 1883, therefore, the question of prohibition was the dominant issue. The Republican party gained control of the legislature, and in 1884 carried out its pledge by enacting a stringent prohibitory law.

The years which followed were marked by a trial of the law, which was from time to time strengthened by amendments. On the whole prohibition went into effect without disturbance, although in some localities there was open defiance, serious disorder, and even mob violence. However numerous may have been the violations of the law, the official statistics show that down to 1889 at least it had the effect of greatly reducing the number of places where liquor was sold openly, and that it practically abolished the manufacture of liquor within the State.

In 1889 the liquor question played such a prominent part in politics that the Democrats, taking advantage of the growing reaction against prohibition, succeeded in electing their candidate for Governor — a success which was repeated two years later. Then it was that the Republican party abandoned prohibition, by declaring it to be no test of Republicanism and relegating the whole subject to the legisla-

ture — with the suggestion that an adjustment be made in the law so that the various communities of the State would be given such control over the liquor traffic as would “best serve the cause of *temperance and morality*.”

The result was all that could be desired: the Republicans came back to power in the State government. At the session of the General Assembly in 1894 there was placed upon the statute books that legislative anomaly known as the Mulet Law. The prohibitory law was not repealed, but it was provided that it might be violated upon the consent of a certain percent of the people of a given community and the payment of a certain sum of money. The Mulet Law, though practically a local option measure, was upheld by the court.

The liquor legislation of the next fifteen years consisted chiefly of amendments to this law and to the prohibitory law. Especially during the year 1908 a decided effort at law enforcement was made by the Attorney General with conspicuous results in many communities. This was the situation in Iowa when the General Assembly convened in 1909.

The following pages will be devoted to a brief discussion of the liquor legislation enacted by the General Assembly at the last four sessions. No attempt will be made to discuss the administration of these laws or to measure their success or failure.

#### THE MOON LAW OF 1909

For the first time since 1894 an unusual interest in liquor legislation was displayed as the time for the convening of the Thirty-third General Assembly drew near. It was predicted that the regulation of the liquor traffic would be one of the main topics before the legislature, owing to the tendency to disobey the existing laws in many communities during the preceding three years.

"I am a firm believer in local self-government," said Governor Garst in his message to the legislature, "and each community should be left to the control of its own affairs just as far as possible without interfering with the interests of society as a whole. But I believe that the law should be amended so that the machinery for the enforcement of the regulations surrounding the saloons and the liquor traffic will be strengthened and be made effective in every community of the State." Furthermore, he recommended that Congress be memorialized to grant to the communities concerned the initiative in the matter of issuing Federal licenses for the sale of intoxicating liquors. In other words, the issuance of such licenses should be dependent upon the attitude of the people of the respective communities. "I believe it should be your policy," declared the Governor, "in every move you make, to strengthen the barriers we have tried to place between the saloon power and our boys and men". In another connection he suggested a change in the apportionment of the funds derived from the mullet tax.<sup>2</sup>

Governor Carroll, in his inaugural address to the legislature, made a strong plea for more effective provisions to insure law enforcement, with special reference to the liquor laws. If local officials would not enforce the law, then there should be some other authority competent and ready to do so.<sup>3</sup>

The demand for new legislation met with a hearty response in the General Assembly. At least eight bills dealing with the liquor traffic were introduced in the House of Representatives, and eleven in the Senate.<sup>4</sup> All sorts of proposals were represented in these bills. Especially

<sup>2</sup> *House Journal*, 1909, pp. 31, 32, 40.

<sup>3</sup> *House Journal*, 1909, pp. 110, 111.

<sup>4</sup> *House Bills*, 1909, File Nos. 10, 209, 212, 325, 352, 372, 479, 518; *Senate Bills*, 1909, File Nos. 16, 35, 59, 76, 130, 298, 300, 302, 330, 356, 378.

worthy of note was the bill introduced in the House by Mr. L. W. Inman. According to the terms of this bill the State was to be divided into two districts, and for each district a "liquor law enforcement commissioner" was to be appointed by the Governor, with the consent of the Executive Council. Each of these commissioners was to receive a salary of \$2,500, and might appoint not to exceed ten deputies. After considerable discussion the bill was lost in the House by a vote of sixty-six to thirty.<sup>5</sup>

The bill, however, which, during its discussion and amendment and after its final enactment into law, attracted the widest notice and was of greatest importance was the bill introduced by Senator Edwin G. Moon. As originally introduced this bill consisted of but one section which proposed to add the following proviso to the Malt Law as found in the *Code Supplement of 1907*:

But no city council shall, by resolution, consent to the sale of intoxicating liquors, by a larger number of persons than one to each one thousand inhabitants of said city, and in all cities where a larger number of resolutions of consent than one to each one thousand inhabitants have hitherto been granted, the city council shall by resolution designate which of said resolutions of consent shall continue, in accordance with the terms hereof.<sup>6</sup>

The contents of the bill were greatly expanded by the Senate Committee on the Suppression of Intemperance, of which Senator George Cosson was the chairman. This committee reported a substitute bill<sup>7</sup> which, with a few minor changes, passed through all the necessary stages of legislative procedure and became a law. The central idea of the original bill was retained, however, and hence the law has been known popularly as the "Moon Law".

Section one of the law limited the number of saloons

<sup>5</sup> *House Bills*, 1909, File No. 325; *House Journal*, 1909, pp. 1384-1391.

<sup>6</sup> *Senate Bills*, 1909, File No. 298.

<sup>7</sup> *Senate Journal*, 1909, pp. 789, 790.

thereafter to be authorized to one to each one thousand inhabitants; although in towns of less than one thousand population the council might grant consent to one person to sell liquors in that town. Section two—inserted no doubt for the benefit of the river towns—declared that in cities and towns where a greater number of persons than one to each one thousand inhabitants “now hold resolutions of consent to sell intoxicating liquors at retail, it shall not be mandatory under the provisions of this act for city or town councils to cancel or withdraw a sufficient number of such resolutions of consent” to comply with the provisions of the first section of the act. Indeed, these resolutions of consent might even be renewed in case the persons holding them had not been guilty of violating the liquor laws of the State. Under section three of the act, however, violators of the laws were not to be permitted to sell liquor in the State within five years.<sup>8</sup>

Another important law enacted by the Thirty-third General Assembly was one which declared in the first section that “no one except a qualified elector of the town, city or township in which the business is conducted and carried on shall engage in the sale of intoxicating liquors at retail.” Section two was even more significant, for it made it unlawful for any person or corporation engaged in the “manufacture, brewing, distilling or refining of intoxicating liquors” to be engaged or interested, directly or indirectly, in the retail liquor business. Sufficient time was given for the making of the necessary readjustments, for the act was not to go into effect until the first day of March, 1910.<sup>9</sup>

Provision for the more careful guarding of the sale of liquor by pharmacists was made in a law which declared

<sup>8</sup> *Laws of Iowa*, 1909, pp. 139, 140.

<sup>9</sup> *Laws of Iowa*, 1909, p. 140.

that application blanks, with proper stubs, should be printed in book form by the county auditor and furnished to permit-holders at cost. The request blanks and stubs must be numbered consecutively and the request blanks must contain the facsimile signature of the county auditor. The form of the application blank was also fixed in the law.<sup>10</sup> A readjustment in the method of apportioning the revenue derived from the mullet tax was required by an act approved on March 25th, and which went into effect at once.<sup>11</sup>

Still another act passed at this session made the drinking of intoxicating liquor on passenger trains or street cars a misdemeanor, and set forth the power of railway and street car conductors with respect to intoxicated persons.<sup>12</sup> Section thirty of the militia law prohibited the sale of intoxicating liquors within one mile of any military "encampment, camp or station" by anyone "except a person engaged in the business prior to the establishment of such encampment".<sup>13</sup>

The Moon Law, it may be said, met with general approval and had the desired effect in reducing the number of saloons. The official statistics show that the number of places where liquor was legally sold in Iowa in September, 1912, was less than half the number reported in 1908. In other words, the number had decreased from over 1600 in 1908 to about 740 in 1912.<sup>14</sup> Moreover, Governor Carroll in his message to the General Assembly in 1911 was able to express his belief that "the liquor laws of the state are better enforced today than they have been at any time in recent years."<sup>15</sup>

<sup>10</sup> *Laws of Iowa*, 1909, pp. 136, 137.

<sup>11</sup> *Laws of Iowa*, 1909, pp. 137, 138.

<sup>12</sup> *Laws of Iowa*, 1909, p. 138.

<sup>13</sup> *Laws of Iowa*, 1909, p. 128.

<sup>14</sup> *Iowa Official Register*, 1909-1910, p. 718; *Iowa Official Register*, 1913-1914, p. 767.

<sup>15</sup> *House Journal*, 1911, p. 53.

## THE LIQUOR LAWS OF 1911

Interest in the liquor problem did not diminish after the passage of the Moon Law and other statutes of 1909. In fact, in 1910, for the first time since 1901, the two leading political parties took definite cognizance of the issues at their State conventions. "Under the operation of Republican laws in Iowa", boasted the Republican platform, "temperance sentiment has been promoted, temperance territory extended, and saloon influence minimized. While Republican control is continued no backward step shall in any degree imperil the moral welfare of the state."<sup>16</sup> On the other hand, in the Democratic platform that party expressed itself "in favor of as large a degree of individual liberty as is compatible with the rights of organized society", and therefore the party advocated "a strict local option law with high license, and the minimum to be fixed by the legislature under which the municipality shall declare by vote of the people thereof, whether or not intoxicants shall be sold therein."<sup>17</sup>

Thus it was perhaps natural that as many as twenty-five liquor bills — sixteen in the House and nine in the Senate — should be introduced in the Thirty-fourth General Assembly in 1911.<sup>18</sup> Among the bills which were not enacted was one "to prohibit treating to intoxicating drinks, including wine and beer, in saloons or other public places."<sup>19</sup> There were at least three bills forbidding the sale of intoxicating liquors within five miles of any institution under the State Board of Education, none of which was adopted.<sup>20</sup> Still another

<sup>16</sup> *Iowa Official Register*, 1911-1912, p. 347.

<sup>17</sup> *Iowa Official Register*, 1911-1912, p. 351.

<sup>18</sup> *House Bills*, 1911, File Nos. 3, 30, 65, 81, 127, 136, 214, 234, 259, 278, 328, 380, 436, 468, 539, 570; *Senate Bills*, 1911, File Nos. 32, 36, 61, 85, 98, 153, 207, 230, 410.

<sup>19</sup> *House Bills*, 1911, File No. 65.

<sup>20</sup> *House Bills*, 1911, File Nos. 127, 136; *Senate Bills*, 1911, File No. 98.

unsuccessful bill required the mayors of cities or towns, upon the petition of twenty percent of the voters at the last preceding election, to submit to a vote of the electors of the community the question of whether or not saloons should be permitted within the city or town. Regulation of the liquor traffic was provided in case of a favorable vote.<sup>21</sup>

Out of the twenty-five liquor bills four became law.<sup>22</sup> One of these increased the maximum fine for the first violation of the liquor laws from one hundred to two hundred dollars; while the penalty for the second and each subsequent offense was made heavier by extending the possible length of imprisonment in the county jail from six months to one year.<sup>23</sup> Two laws had to do with the sale of liquor by druggists: one required the person making the sale to fill out the application blank in the presence of the applicant "and prior to the applicant's signature"; and the other regulated the sale of intoxicating liquors at wholesale by wholesale drug firms.<sup>24</sup>

Especially important was the last of the four laws, which required county attorneys "to secure from the federal internal revenue collectors for Iowa, on or before the fifteenth day of January, April, July and October of each year, a certified copy of the names of all persons who have paid to the federal government special taxes imposed upon the business of selling intoxicating liquors within their respective counties, except such persons within their counties as are engaged in the sale of intoxicating liquors under the mulct law and registered pharmacists who hold valid permits".

<sup>21</sup> *House Bills*, 1911, File No. 328. It may be noted in this connection that Representative Shankland, the author of this bill, renewed his efforts along the same line two years later, at which time Senator Ream also introduced a similar bill.—*House Bills*, 1913, File No. 436; *Senate Bills*, 1913, File No. 308.

<sup>22</sup> *House Bills*, 1911, File Nos. 30, 214, 278, 436.

<sup>23</sup> *Laws of Iowa*, 1911, p. 101.

<sup>24</sup> *Laws of Iowa*, 1911, pp. 101-103.



The appearance of any person's name on this certified list was declared to be "prima facie evidence that said person is engaged in the sale of, or keeping with intent to sell, intoxicating liquors in violation of law", unless the person could show that he was selling under the Mulct Law or was a registered pharmacist "actually engaged in business as such".<sup>25</sup>

It should also be noted that a section of the lengthy act on the subject of mines and mining adopted at this session forbade the presence of intoxicated persons and the use or possession of intoxicants by any person in or around mines.<sup>26</sup>

#### THE LIQUOR LAWS OF 1913

The two years which intervened between the sessions of the Thirty-fourth and Thirty-fifth General Assemblies did not witness any widespread agitation for reform in liquor legislation. Neither of the leading political parties in 1912 took any notice of the subject in their platforms. All Governor Carroll had to say in his biennial message in January, 1913, was practically a repetition of his statement of two years before concerning progress in the matter of law enforcement;<sup>27</sup> while the inaugural address of Governor Clarke was silent on the topic.

Nevertheless, the usual number of bills—about twenty in this instance—proposing further regulation of the liquor business, were introduced in the legislature in 1913.<sup>28</sup> Of those which failed to run the whole gauntlet of legislative procedure perhaps the most interesting were the bills of Representative James M. Brockway and Senator Edgar P.

<sup>25</sup> *Laws of Iowa*, 1911, p. 104.

<sup>26</sup> *Laws of Iowa*, 1911, p. 118.

<sup>27</sup> *House Journal*, 1913, pp. 37, 38.

<sup>28</sup> *House Bills*, 1913, File Nos. 25, 169, 173, 195, 245, 278, 368, 436, 471, 590, 662; *Senate Bills*, 1913, File Nos. 121, 132, 168, 244, 308, 438, 524, 532, 539.

Farr providing that pharmacists could sell liquor only upon prescription of a regularly practicing physician;<sup>29</sup> Senator Nicholas J. Schrup's proposed amendment to the Moon Law limiting the number of saloons in any community to one to each hundred legal signers of petitions of consent;<sup>30</sup> and the bill by Senator Charles H. Thomas placing additional restrictions on the shipment and delivery of liquor into and within the State.<sup>31</sup>

The law of this session which attracted the widest attention was the so-called five-mile law, for the enactment of which such a persistent effort had been made at the previous session of the legislature. After the expiration of the existing petitions of consent no saloon could be operated "within a distance of five (5) miles from any normal school, college or university situated within the limits of any city or town and under the control of the state board of education." Breweries were excepted from this prohibition.<sup>32</sup> As a matter of fact, the only city affected by this act was Iowa City, where the petition of consent was due to expire on July 1, 1916. This provision for the removal of saloons from the midst of the students attending the State University was hailed with hearty approval from all parts of the State.

Another law which applied to only a few localities, but which was the subject of widespread interest, was an amendment to the Moon Law, occasioned by the situation in Davenport and Dubuque, where efforts to reduce the large number of saloons had proved unavailing. The Moon Law was now extended to special charter cities — Davenport and Dubuque being at that time the only cities of that class

<sup>29</sup> *House Bills*, 1913, File No. 173; *Senate Bills*, 1913, File No. 132.

<sup>30</sup> *Senate Bills*, 1913, File No. 168.

<sup>31</sup> *Senate Bills*, 1913, File No. 532.

<sup>32</sup> *Laws of Iowa*, 1913, p. 214.

in which saloons were permitted. In special charter cities where the number of saloons exceeded one to each one thousand inhabitants it was made mandatory for the city council to cancel or withdraw all of the resolutions of consent in excess of the number indicated above according to a definite plan: one-third on July 1, 1913, one-half of the remainder on July 1, 1914, and by July 1, 1915, all the resolutions of consent in excess of the proper number should be cancelled or withdrawn. In addition, it was provided that "from and after the passage of this act all resolutions of consent granted by the council of any city acting under special charter in excess of the number existing in such city at the time of the passage of this act shall be void and of no force and effect."<sup>33</sup>

The enforcement of the liquor laws was facilitated by a provision requiring any peace officer to make a "special investigation of any alleged or supposed infraction of the law within his county" whenever directed in writing to do so by the county attorney. Peace officers making such investigations were also required to furnish the county attorney with written reports of their findings.<sup>34</sup> By another act the hours of the day during which liquor might be sold in saloons was changed so that the hour of opening in the morning was seven instead of five, and the hour of closing at night nine instead of ten.<sup>35</sup>

Severe penalties were provided for furnishing or aiding inmates of certain State institutions to secure intoxicating liquor.<sup>36</sup> And finally, a section in the employers' liability and workman's compensation law enacted by the Thirty-fifth General Assembly made intoxication a bar to recovery for work accidents.<sup>37</sup>

<sup>33</sup> *Laws of Iowa*, 1913, pp. 215, 216.

<sup>34</sup> *Laws of Iowa*, 1913, pp. 213, 214.

<sup>35</sup> *Laws of Iowa*, 1913, p. 215.

<sup>36</sup> *Laws of Iowa*, 1913, pp. 311, 312.

<sup>37</sup> *Laws of Iowa*, 1913, p. 155.

## THE PROHIBITORY LEGISLATION OF 1915

Gradually the saloon in Iowa was being crowded to the wall. At each succeeding session of the General Assembly some new device was provided whereby the traffic in intoxicating liquors might be limited or entirely cut off. While there was no spectacular prohibition movement in Iowa during the biennium from 1913 to 1915, no careful observer of the period could fail to be impressed with the growing feeling of opposition to the public saloon. Besides it was natural that Iowa—a preëminently rural Commonwealth—should be particularly susceptible to the contagion of prohibition sentiment which was nation-wide.

The effect produced in Iowa, however, was in this instance such that its manifestations were not discernible in the usual manner. To be sure, the Republican party in its platform of 1914 praised the “wise laws enacted by the Republicans of Iowa, that have resulted in the suppression of intemperance and materially aided in arousing and fostering in the state a love of temperance and good government”.<sup>38</sup> The Progressive party even favored amendments to both the Federal and State Constitutions prohibiting the manufacture and sale of intoxicating liquors as a beverage.<sup>39</sup> But the Democrats took no notice of the subject; while the Prohibitionist candidate for Governor received the smallest vote received by the head of that party since 1891.<sup>40</sup>

Indeed, it was not until the session of the legislature in 1915 that the undercurrent of feeling against the saloon really made itself felt. And so it is evident that the phenomenal activity of the Thirty-sixth General Assembly in liquor legislation was a spontaneous expression of the quiet

<sup>38</sup> *Iowa Official Register*, 1915–1916, p. 377.

<sup>39</sup> *Iowa Official Register*, 1915–1916, p. 384.

<sup>40</sup> The Prohibitionist candidate for Governor in 1914 received 6,837 votes; the next lowest vote in the preceding ten campaigns was 7,639 in 1899.—*Iowa Official Register*, 1915–1916, p. 543.

convictions of a large portion of the people of the State, rather than a response to an active, organized demand such as brought about the prohibitory legislation of 1855 and 1884.

The first bill introduced in the Senate in 1915 was one increasing the penalties for the violation of the liquor laws; while the fourth bill presented in the House of Representatives was one for the repeal of the Mulct Law and all amendments to its provisions. While neither of these particular bills was enacted into law the ideas which they contained were embodied in legislation. Moreover, they were the signal for the introduction of liquor bills which did not cease until during the session at least thirty-six such bills were introduced in the Senate and seven in the lower house.<sup>41</sup>

Interesting proposals were made in some of the measures which fell by the wayside. A bill by Representative Arthur W. Slaughter declared any person convicted of intoxication three or more times within twelve months guilty of a felony and punishable by a fine of not more than five hundred dollars or imprisonment in the penitentiary for one year, or both.<sup>42</sup> The House Committee on the Suppression of Intemperance introduced a bill granting to cities and towns, including cities under special charter or commission government, the right to pass ordinances granting the privilege of manufacturing and selling malt liquors containing less than one percent of alcohol.<sup>43</sup> Senator L. E. Francis was the author of a bill forbidding towns of less than one thousand inhabitants to license or permit the sale of intoxicating liquors;<sup>44</sup> while a bill prohibiting the practice of

<sup>41</sup> *Senate Bills*, 1915, File Nos. 1, 7, 9, 10, 11, 12, 13, 20, 21, 22, 28, 81, 82, 88, 90, 126, 163, 164, 166, 167, 173, 181, 216, 294, 310, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 484; *House Bills*, 1915, File Nos. 4, 229, 249, 301, 485, 558, 601.

<sup>42</sup> *House Bills*, 1915, File No. 301.

<sup>43</sup> *House Bills*, 1915, File No. 601.

<sup>44</sup> *Senate Bills*, 1915, File No. 21.

treating in saloons was brought in by Senator Albert D. Nye.<sup>45</sup> Senator L. E. Crist proposed to increase the minimum mullet tax from six hundred to twelve hundred dollars.<sup>46</sup>

Owing to the change in the method of publishing the laws inaugurated at this session of the legislature, it is somewhat difficult to present legislation in the form in which it was enacted. It appears, however, that the contents of twelve bills,<sup>47</sup> most of which were introduced by Senator Chester W. Whitmore, were embodied in the chapter on intoxicating liquors in the *Supplemental Supplement* of 1915.<sup>48</sup> This chapter, numbered chapter six of title twelve, to correspond with the portion of the Code dealing with the same subject, constituted a substantial revision of the liquor laws of the State, including the repeal of the vital portion of the Mullet Law and subsequent amendments.<sup>49</sup> Since the Mullet Law merely made possible the violation of the unrepealed prohibitory law upon the fulfillment of certain conditions, the action of the Thirty-sixth General Assembly reestablished absolute prohibition as the rule in Iowa. In other words, it not only removed all means by which the prohibitory law could be "legally" violated, but it strengthened the law by increasing the penalties for violation and providing additional means for its enforcement.

<sup>45</sup> *Senate Bills*, 1915, File No. 82.

<sup>46</sup> *Senate Bills*, 1915, File No. 90.

<sup>47</sup> *House Bills*, 1915, File No. 485; *Senate Bills*, 1915, File Nos. 7, 418, 420, 421, 422, 423, 424, 425, 426, 427, Substitute for No. 12.

<sup>48</sup> *Supplemental Supplement to the Code of Iowa, 1915*, pp. 194-205. Here may be found also annotations of court decisions bearing on the application of the liquor laws of Iowa rendered since the compilation of the *Code Supplement of 1913*.

<sup>49</sup> A list of the sections of the Mullet Law as found in the Code and supplement which were repealed in 1915 is given in the *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2448-a, p. 201. As will be noted later, not all of the provisions of the Mullet Law were repealed.

Some idea of the new legislation enacted in 1915, and which went into effect on January 1, 1916, may be gained from a brief enumeration of the changes in and additions to the provisions of the Code and supplement. In the first place, the clause was omitted which allowed traveling salesmen to solicit orders from those authorized to sell or dispense intoxicating liquors.<sup>50</sup> The method of proceeding against violators of the law by injunction and the abatement of nuisances was retained, but an injunction was made binding on the defendant throughout the State, instead of merely in the judicial district as before.<sup>51</sup> The penalty for the first violation of an injunction remained as before, but subsequent violations were made punishable "by a fine of not less than five hundred dollars or more than one thousand dollars or by imprisonment in the state penitentiary or state reformatory at hard labor for not more than one year."<sup>52</sup>

District court judges and judges of superior courts in cities were given equal power with justices of the peace to issue warrants authorizing and searching of premises said to contain intoxicating liquors contrary to law, and to try cases arising out of the seizure of liquor under such conditions.<sup>53</sup> Section 2421, relating to the shipment of liquor into the State was considerably expanded and made much more stringent.<sup>54</sup> Another new clause prohibited the collection or attempted collection of payment for liquor shipped into or within the State to be used for illegal purposes,

<sup>50</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2382, p. 194; *Senate Bills, 1915*, File No. 424; *Code Supplement of 1913*, Sec. 2382, pp. 879, 880.

<sup>51</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2405, p. 195.

<sup>52</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2407, p. 196.

<sup>53</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2413, 2415, pp. 196-198.

<sup>54</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2421-a-2421-e, pp. 198, 199.

and provided that violators might be restrained by injunction.<sup>55</sup> The definition of the term "bootlegger" was extended to include any person soliciting orders "for the sale, shipment, or delivery of intoxicating liquor, in violation of law"; and the offense of bootlegging was made a misdemeanor.<sup>56</sup> Besides, it was made a misdemeanor for anyone upon any "railroad, street or interurban car" to carry intoxicating liquor "upon his person, or in any hand baggage, suit case or otherwise, for unlawful purposes".<sup>57</sup> The penalty for persistent violation of the liquor laws was made imprisonment in the penitentiary or reformatory for not more than one year.<sup>58</sup>

In addition to these changes some minor amendments were made to these provisions of the Mulct Law which were not repealed, but which, it would seem, have ceased to be of effect since they depended upon sections which were repealed.<sup>59</sup> In one instance a section which was repealed was also amended.<sup>60</sup>

#### THE PRESENT LIQUOR LAW OF IOWA

The person wishing to be informed concerning the liquor legislation in force in Iowa to-day must examine chapter six of title twelve in the *Supplemental Supplement to the Code of Iowa, 1915*, the *Code Supplement of 1913*, and the *Code of 1897*. A detailed analysis of all these provisions would be out of place in this connection, but an attempt will be made to outline the main features of the law as it now stands.

<sup>55</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2423-a, 2423-b, p. 199.

<sup>56</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2461, p. 203.

<sup>57</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-g1, p. 203.

<sup>58</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-m, p. 205.

<sup>59</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2435, p. 200.

<sup>60</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-i, p. 204.



The distinctive feature of the law is its absolute prohibition of the manufacture and sale of intoxicating liquors, "which term shall be construed to mean alcohol, ale, wine, beer, spirituous, vinous and malt liquor," within the State of Iowa. The soliciting, taking, or accepting of "any order for the purchase, sale, shipment, or delivery of any such liquor" likewise comes under the ban.<sup>61</sup> Penalties for selling contrary to law vary according to the number of offenses committed by the particular individual and may consist of imprisonment for one year in the county jail.<sup>62</sup> Apparently the provisions still remain in force which forbid the sale of liquor at retail by persons who are not qualified electors, and declare that manufacturers of liquor shall not be engaged or interested in its sale at retail<sup>63</sup>—although these provisions would now seem to be of little value.

The erection, establishment, or use of any building or place for the sale or manufacture of liquor contrary to law is declared to constitute a nuisance which may be abated and for which severe penalties are imposed.<sup>64</sup> Sale of liquor by pharmacists for medicinal purposes is the subject of detailed regulations which make violations very risky.<sup>65</sup>

Intoxication is punishable by fine,<sup>66</sup> as is also the selling or giving of liquors to minors, to intoxicated persons, or to persons in the habit of becoming intoxicated.<sup>67</sup> The keeping of liquor in club rooms or other places of a like character is forbidden.<sup>68</sup> The method of proceeding against viola-

<sup>61</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2382, p. 194; *Code Supplement of 1913*, Sec. 2382, pp. 879, 880.

<sup>62</sup> *Code Supplement of 1913*, Sec. 2383, p. 881.

<sup>63</sup> *Code Supplement of 1913*, Secs. 2383-a, 2383-b, p. 881.

<sup>64</sup> *Code of 1897*, Sec. 2384, p. 822.

<sup>65</sup> *Code of 1897*, Secs. 2385, 2387, 2389, 2391, 2395, 2396, 2397, 2398, 2399, pp. 826-832; *Code Supplement of 1913*, Secs. 2386, 2388, 2390, 2392, 2393, 2394, 2400, 2401, 2401-a-2401-f, pp. 883-892.

<sup>66</sup> *Code of 1897*, Sec. 2402, p. 834.

<sup>67</sup> *Code Supplement of 1913*, Secs. 2403, 2403-a, pp. 892, 893.

<sup>68</sup> *Code of 1897*, Sec. 2404, p. 835.

tors of the liquor laws by injunction and the abatement of nuisances is clearly stated, and severe penalties are imposed upon violators of injunctions.<sup>69</sup> Upon the receipt of information from any citizen that liquor is to be found in any place contrary to law, any justice of the peace, district court judge, or judge of the superior court is required "upon finding probable cause for such information" to issue warrants for the search of the suspected premises. The procedure at the trial of cases arising in this manner is prescribed, and provision is made for the destruction of liquor and vessels thus seized.<sup>70</sup>

Persons selling or giving away liquor and thereby causing the intoxication of any other person are liable for the expenses of the care of such person during the duration of his intoxication.<sup>71</sup> Moreover, the person selling the liquor causing the intoxication is liable for damages to any "wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person".<sup>72</sup>

The portion of the law which relates to the shipment of intoxicating liquors into or within the State, it is believed, could well be made more explicit. In the first place there is Section 2419 of the Code, which has been on the statute books since 1888, but which by court decisions has been held inoperative as far as the shipment of liquor into the State is concerned, because it interfered with interstate commerce. It was made a finable offense for "any

<sup>69</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2405, 2407, pp. 195, 196; *Code Supplement of 1913*, Secs. 2406, 2410, pp. 896, 899; *Code of 1897*, Secs. 2408, 2409, 2411, 2412, pp. 839-841.

<sup>70</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2413, 2415, pp. 196-198; *Code of 1897*, Secs. 2414, 2416, pp. 842, 843, 844.

<sup>71</sup> *Code of 1897*, Sec. 2417, p. 844.

<sup>72</sup> *Code of 1897*, Sec. 2418, p. 844.

express or railway company, or any common carrier, or person" to carry and deliver intoxicating liquor to any person in Iowa who did not hold a pharmacist's permit or was not operating under the Mule Law. The offense was declared to have been committed "in any county in the state in which the liquors are received for transportation, through which they are transported, or in which they are delivered".<sup>73</sup> The question now arises as to whether or not the validity of this section has not been restored by the Webb-Kenyon Act of Congress which has the effect of removing from interstate commerce liquor intended for illegal purposes—a law the constitutionality of which has recently been upheld by the Federal Supreme Court.<sup>74</sup>

The present status of the above section, however, would seem to be somewhat complicated by the provisions of a law enacted in 1915. This law prohibits the shipment of liquor into or within the State except for "lawful purposes or private consumption", goes into detail in prescribing the method of making deliveries of liquor, and of keeping records of shipments and is to "be construed in harmony with all federal statutes relating to interstate commerce in intoxicating liquors."<sup>75</sup> It would seem that this law, if allowed to stand, would work a repeal of Section 2419 of the Code by implication, since the privilege of receiving deliveries of liquor for "private consumption" is obviously inconsistent with the prohibition against the shipment and delivery of intoxicants to anyone but permit-holders.

<sup>73</sup> *Code of 1897*, Sec. 2419, p. 847.

<sup>74</sup> According to newspaper statements at the time of the writing of this paper it was the opinion of the Attorney General that the court decision just referred to makes it possible to revive the above section of the Code and enforce it.

<sup>75</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2421-a-2421-e, pp. 198, 199. Just as this article went to press there appeared in the newspapers the news of a decision of Judge Utterback of Des Moines declaring invalid that portion of this law which permits the shipment of liquor for private consumption, because of a defect in the title of the law. It remains to be seen whether this decision will be affirmed by the Supreme Court.

The requirement still holds good that all packages in which liquor is shipped "shall be plainly and correctly labeled or marked, showing the quantity and kind of liquors contained therein, as well as the name of the party to whom they are to be delivered."<sup>76</sup> Furthermore, the carrying of liquor in any manner "upon any railroad, street or interurban car" is declared to be a misdemeanor.<sup>77</sup>

The collection or attempted collection of payment for liquors illegally sold is prohibited and severely penalized.<sup>78</sup> County attorneys are authorized and required to secure certified lists of the holders of Federal liquor licenses within their respective counties, and the holding of such a license except by registered pharmacists is held to be prima facie evidence that the holder is selling liquor in violation of law.<sup>79</sup> The duties of peace officers in the enforcement of the liquor laws are made very definite; while a failure to perform these duties may work a forfeiture of their positions.<sup>80</sup>

The provisions of the Mulet Law and subsequent amendments which related to the payment, collection, and apportionment of the mulct tax (Sections 2432-2447 of the *Code of 1897* and *Code Supplement of 1913*) were not repealed by the Thirty-sixth General Assembly in 1915. These sections with some amendments, therefore, still remain in the law, but they would seem to be practically dead timber so far as liquor legislation is concerned, since there is now no mulct tax to be paid, collected and apportioned.<sup>81</sup>

<sup>76</sup> *Code of 1897*, Sec. 2421, p. 848.

<sup>77</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-g1, p. 203.

<sup>78</sup> *Code of 1897*, Sec. 2423, pp. 850, 851; *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2423-a, 2423-b, p. 199.

<sup>79</sup> *Code Supplement of 1913*, Secs. 2427-a-2427-c, p. 904. See also *Code of 1897*, Sec. 2427, p. 854.

<sup>80</sup> *Code Supplement of 1913*, Sec. 2428, pp. 904, 905.

<sup>81</sup> The original bill included these sections in the repeal, but they were later

A bootlegger is defined as any person "who shall, by himself, or his employe, servant or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or leave in a place for another to secure, any intoxicating liquor as herein defined, with intent to sell or dispose of the same by gift or otherwise, or who shall within this state, in any manner, directly or indirectly, solicit, take, or accept any order for the sale, shipment, or delivery of intoxicating liquor, in violation of law". Bootlegging is made a misdemeanor and may be restrained by injunction.<sup>82</sup> The drinking of liquor on passenger trains or street cars is prohibited; and conductors are given power to refuse entrance to intoxicated persons and to eject persons using or under the influence of liquor.<sup>83</sup> Finally, "persistent violators" of the law are defined and made punishable by heavy penalties.<sup>84</sup>

#### THE MOVEMENT FOR CONSTITUTIONAL PROHIBITION

Ever since the prohibitory amendment of 1882 to the Constitution of Iowa was declared invalid by the Supreme Court there has been a persistent effort to secure the submission of another amendment of the same character. Lack of success has not seemed to cause serious discouragement

omitted upon motion of the author of the bill, Senator Clarkson.— *Senate Bills*, 1915, File No. 7; *Senate Journal*, 1915, pp. 335-338.

The journal does not reveal the reasons for this change in the bill by which Sections 2432-2447 were omitted from the list of repealed sections. It has been noted, however, that Section 5007 of the *Code of 1897*, which imposes a tax on the sale of cigarettes, provides that this tax "shall be assessed, collected and distributed in the same manner as the mullet liquor tax". With the above sections omitted from the liquor law it would therefore have been necessary to incorporate the provisions of the omitted sections in the cigarette law if the methods of assessing, collecting, and distributing the cigarette tax were still to remain on the statute books.

<sup>82</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-a, p. 203.

<sup>83</sup> *Code Supplement of 1915*, Secs. 2461-f, 2461-g, p. 925.

<sup>84</sup> *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-m, p. 205.

to those interested in the movement. Recent years have witnessed no diminution in the agitation.

A joint resolution proposing a prohibitory amendment to the State Constitution passed the House of the Thirty-third General Assembly in 1909, but did not come to a vote in the Senate.<sup>85</sup> Two years later similar joint resolutions in both houses were reported unfavorably by committees and indefinitely postponed.<sup>86</sup> A fate equally disheartening met the efforts to secure an amendment at the legislative session of 1913.<sup>87</sup> The same circumstances, however, which resulted in the prohibitory legislation enacted by the Thirty-sixth General Assembly in 1915 also explain the complete change of attitude toward constitutional prohibition. Early in the session and without any serious opposition a Senate joint resolution passed the Senate by a vote of thirty-nine to ten and was overwhelmingly adopted by the House, where the vote stood ninety-one to fourteen. "The manufacture, sale, or keeping for sale, as a beverage, of intoxicating liquors, including ale, wine and beer, shall be forever prohibited within this state", declares the amendment thus proposed — an amendment which now awaits further action by the Thirty-seventh General Assembly.<sup>88</sup>

Accompanying this long-continued movement in favor of a prohibitory amendment to the State Constitution, there has been in Iowa, as elsewhere throughout the country, some agitation in support of a similar amendment to the Federal Constitution.<sup>89</sup> Just what effect the final validating of the

<sup>85</sup> *House Journal*, 1909, pp. 764, 765; *Senate Journal*, 1909, index, p. 1860.

<sup>86</sup> *House Journal*, 1911, p. 1174; *Senate Journal*, 1911, pp. 727, 827.

<sup>87</sup> *House Journal*, 1913, p. 1644.

<sup>88</sup> *House Journal*, 1915, pp. 589-591; *Senate Journal*, 1915, p. 327; *Appropriation Acts and Joint Resolutions of the Thirty-sixth General Assembly*, 1915, p. 38.

<sup>89</sup> For instance see the State platform of the Progressive party in Iowa in 1914.— *Iowa Official Register*, 1915-1916, p. 384.

Webb-Kenyon Act will have on this agitation by removing some of its arguments remains to be seen.

#### LEGISLATION BY CONGRESS

This survey of recent liquor legislation in Iowa would be incomplete without a brief discussion of the important law of Congress known as the Webb-Kenyon Act, to which reference has already been made. The vital effect of this law on the liquor traffic in dry territory gives it great significance. It is also of interest that the two laws of Congress which have had to do with the interstate shipment of intoxicating liquors were fathered by Iowa men. Senator James F. Wilson of Iowa was the author of the famous Wilson Act of 1890, which declared that liquor shipped into any State or Territory "shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempted therefrom by reason of being introduced therein in original package or otherwise."<sup>90</sup>

This law was enacted by Congress largely in response to the petitions which poured in from dry States, including Iowa, as a result of the decision of the United States Supreme Court in the famous Iowa original package case of *Leisy vs. Hardin* — which decision opened the door of dry territory to the agents and branches of original package houses.<sup>91</sup> The Wilson Act, however, only gave the States the right to deal with liquor after its arrival at its final

<sup>90</sup> *United States Statutes at Large*, Vol. XXVI, p. 313. For a further discussion of this law and its effects in Iowa, see *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, pp. 580, 581.

<sup>91</sup> For a discussion of this decision and its effects in Iowa, see *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, pp. 579, 580.

destination and delivery to the consignee. It did not prevent the shipment of liquor into any State, dry or otherwise.

During the succeeding two decades, in spite of the relief provided by the Wilson Act, the situation grew increasingly unsatisfactory in dry States which found great difficulty in enforcing prohibitory legislation on account of the introduction of liquor from wet territory. It was to remedy this condition that a bill, which was the joint work of Congressman Webb of North Carolina and Senator William S. Kenyon of Iowa, was finally enacted by Congress in 1913. The purpose of the bill was succinctly stated by Senator Kenyon during the course of the debate in the Senate. "The partnership of the Federal Government with the bootlegger ought to be permanently dissolved. The assistance of the Government in maintaining 'holes in the walls' and 'speakeasies' ought to cease. That is the purpose of this bill."<sup>92</sup>

The Webb-Kenyon bill prohibits the "shipment or transportation" into any State or Territory of intoxicating liquor "which is intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, territory or district."<sup>93</sup> The constitutionality of the law was upheld by the Supreme Courts in various Commonwealths as cases arose, and within the past few weeks its validity has been affirmed by the United States Supreme Court.<sup>94</sup> It would seem, therefore, that hereafter prohibition States will be free from the chief obstacle that has hitherto blocked the path of law enforcement.

<sup>92</sup> *The Review of Reviews*, July, 1913, p. 82.

<sup>93</sup> *United States Statutes at Large*, Vol. XXXVII, p. 699. See also *The Review of Reviews*, April, 1913, for comment on the law at the time of its enactment.

<sup>94</sup> See *The New Republic* for January 13, 1917, and *The Outlook* for January 17, 1917, for comments on the significance of this decision.



SUMMARY

From the foregoing discussion it is evident that in recent years there has been in Iowa a persistent warfare against the traffic in intoxicating liquor. Beginning with the Moon Law of 1909, at which time at least sixteen hundred saloons were in operation under the Mullet Law, the number of such establishments was reduced year by year. The area of dry territory was gradually extended, and there was a quiet, but none the less effective, development of feeling against the saloon, until in 1915 it was possible to repeal the Mullet Law and restore general prohibition with very little opposition in the General Assembly.

For the third time, therefore, Iowa is under the rule of absolute prohibition. Moreover, it is evident that this method of dealing with the liquor problem may now be given a trial under more favorable conditions than have ever before attended its operation.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY IOWA

## HISTORY OF THE CONGREGATIONAL CHURCH OF IOWA CITY

[The Congregational Church of Iowa City celebrated the fiftieth anniversary of its present organization on September 29, 30, and October 1, 1916. The following paper was read at that time.—EDITOR]

### INTRODUCTION

Congregationalism originated in England and came by way of Holland to New England. Because of persecution, poverty, and missionary zeal the Congregationalists became dissatisfied with their Old World environment. Seeking for some new abiding-place they came at last to America — to the land the name of which Emerson termed but another word for opportunity.

The ancestry of the "Pilgrims of Iowa" runs back through several generations to these sturdy New England "fathers". It would be interesting to dwell upon the experiences of these pioneers on the Atlantic Coast, but that story has many times been told. In the course of time Congregationalists pushed out from Plymouth Colony, scattering throughout Massachusetts and the whole of New England, until in 1700 it is estimated that there were eighty-four Congregational Churches in Massachusetts, thirty-nine in Connecticut, four in New Hampshire, and three in Rhode Island — one hundred and thirty in all.<sup>1</sup>

Then as time went by a great stream of humanity began to pour itself into the empty regions beyond the Hudson. Manasseh Cutler moved out toward the West with the faith of a pioneer, and on the banks of the Ohio founded Marietta — town, college, and church. The Western Reserve was a magnet which drew thousands of Congregationalists from

<sup>1</sup> Prudden's *Congregationalists*, pp. 26, 27.

their homes in Massachusetts and Connecticut. Later they found their way into Indiana, where Wabash College was founded.<sup>2</sup> In 1829 there came to Illinois the eleven members of "The Yale Band", from Yale Divinity School, to become circuit riders in that western land and to found churches and colleges.<sup>3</sup> In 1836 the western exodus reached and crossed the Mississippi River at Dubuque; and thus the planting of Congregationalism in Iowa is one phase of the great westward movement.

Concerning the Congregational Church in America it has been said:

We had the best start of any denomination in this country. A hundred and fifty years ago there was scarcely any other form of church life in New England but the Congregational. We ought to-day to be the largest denomination in America. Instead of that we are numerically, though not in weight and quality, one of the smaller denominations. . . . There has been with us a great excess of undenominationalism. We have not cared enough for our own. We played the 'game of give away' from the Hudson to the Mississippi. In the half century when the Middle West was filling up most rapidly, we sent our ministers from Congregational New England by the hundreds; we sent our members by the tens of thousands; we sent our money almost by the millions, to build up the kingdom of God to be sure, but to build up the kingdom of God under some other name than Congregational.<sup>4</sup>

It was thought for a long time that Congregationalism could not flourish outside of New England. As a matter of

<sup>2</sup> Douglass's *The Pilgrims of Iowa*, p. 2.

<sup>3</sup> Douglass's *The Pilgrims of Iowa*, p. 3.

<sup>4</sup> Douglass's *The Pilgrims of Iowa*, pp. 3, 4.

Easterners held the delusion that Congregationalism belonged exclusively to New England and would not flourish elsewhere and that the Presbyterian Church was not congenial to New England, but was especially adapted to new communities. Therefore, Congregational pastors advised their people moving west to become Presbyterians; students in theological seminaries were taught that "Congregationalism is a river rising in New England and emptying itself South and West into Presbyterianism."—Clark's *Leavening the Nation*, p. 40.

fact Iowa was the first State to feel the full impetus of the westward movement within the church — a movement which has been called "The Congregational Renaissance".

#### CONGREGATIONALISM IN IOWA

The first Congregational ministers who came into eastern Iowa were Rev. William Kirby and Rev. Asa Turner, while the first resident Congregational minister in the State was Rev. W. A. Apthorp, who came in 1836. He preached at Fort Madison and Denmark, and at the latter place the first Congregational Church in Iowa was formed on May 5, 1838. It was organized with thirty-two members representing every New England State but one. Rev. Asa Turner (Father Turner, as he has been affectionately called) became the first minister. Denmark is sometimes spoken of as "The Cradle of Congregationalism" in Iowa.<sup>5</sup>

On November 6, 1840, the General Congregational Association of Iowa was organized at Denmark and consisted of three churches, three ministers, and one licentiate.<sup>6</sup> A regular meeting of the General Association was held in Iowa City on September 14 and 15, 1843, at which time steps were taken to divide the field into two minor associations, the Iowa River being the dividing line.<sup>7</sup>

#### THE IOWA BAND

The famous "Iowa Band" arrived in Iowa in the memorable year 1843. It was made up of eleven men represent-

<sup>5</sup> Magoun's *Asa Turner and His Times*, pp. 193, 194; Douglass's *The Pilgrims of Iowa*, pp. 30, 31, 33.

It is said that Asa Turner, the founder and first pastor of the Denmark church, rode for as long as a half-day to secure sufficient money to take his letters from the post-office. It must be remembered that the postage was twenty-five cents.

<sup>6</sup> Douglass's *The Pilgrims of Iowa*, p. 41.

<sup>7</sup> *Minutes of the Congregational Conference of Iowa*, 1916, p. 14; Douglass's *The Pilgrims of Iowa*, p. 58.

This was the only meeting of the General Conference ever held in Iowa City.

ing six States and eight colleges, all graduates of Andover Theological Seminary.<sup>8</sup> Their journey across the continent consisted of three distinct phases — the railroad, the lakes, and the prairies.<sup>9</sup> The journey was made as far as Buffalo by railroad, then by the Great Lakes to Chicago, from whence they came by stage-coach over the prairies of Illinois to the Mississippi River. Their western terminus was Denmark, in Lee County, Iowa, where on Sunday, November 5, 1843, seven of these young preachers were ordained.<sup>10</sup> They were all quite willing to allow Father Turner to select their fields for them, but he refused to accept the responsibility. Instead he met the young men, placed before them a map, explained in detail the needs of the whole region, and then withdrew, allowing them to make their own choice. The result was that they were scattered over a wide territory, each one giving the best years of his life to the building of a church; and thus the foundation of Congregationalism in Iowa was splendidly laid.<sup>11</sup>

Congregationalism has always placed great emphasis on education and intellectual culture because of the Puritan conception of the human soul. Accordingly plans for an educational institution to be known as Iowa College were launched at Denmark shortly after the arrival of the "Iowa Band". It has therefore been said of this college that it "strikes its roots back into the faith and self-denial of the early churches, taught by the ministers to water it with their prayers and their gifts; of its early teachers and professors, too, who consented to nurture it as a part of mission-work, and one involving in those days no less of self-denial and toil than any other."<sup>12</sup> In November, 1848,

<sup>8</sup> Douglass's *The Pilgrims of Iowa*, p. 62.

<sup>9</sup> Adams's *The Iowa Band*, p. 28.

<sup>10</sup> Douglass's *The Pilgrims of Iowa*, p. 57.

<sup>11</sup> Douglass's *The Pilgrims of Iowa*, p. 59.

<sup>12</sup> Adams's *The Iowa Band*, p. 103.

the school was opened at Davenport, where it was located until 1859 when it was moved to Grinnell.

#### CONGREGATIONAL BEGINNINGS IN IOWA CITY

It is known that several Congregational families resided in Iowa City as early as 1840.<sup>13</sup> Iowa City like Washington, D. C., was not a city that sprang up by chance or because of certain natural advantages, but because it was deliberately planned for a specific purpose — to be the capital of the Territory of Iowa.<sup>14</sup> The location of the capital was determined on May 1, 1839, and the site was marked by a post or slab driven into the ground about where the Old Stone Capitol Building now stands.

In June, 1839, there were at least three dwelling-houses on the site of what is now Iowa City and by January 1, 1840, the number of inhabitants had increased to one hundred. The city had a phenomenal growth and its fame became known far to the East. Fourteen months after it was founded, it contained seven hundred inhabitants, "a spacious city hotel, three or four brick buildings and several others in progress, ten dry-goods, grocery and provision stores, one drug store, one saddlery, two blacksmiths, one gunsmith, three or four coffee houses, four lawyers, three physicians, one church, and one primary school — in short, presenting all the appearance, bustle and activity of a city of years, rather than a prodigy of months." A man who was living in a frame house, the roof of which had just been completed, said that "five days ago my house was in the woods, growing." It was in this frontier environment that Congregationalism first found itself on reaching Iowa City.<sup>15</sup>

<sup>13</sup> *Manual of the Congregational Church, Iowa City, Iowa*, p. 9.

<sup>14</sup> Shambaugh's *Iowa City*, p. 17.

<sup>15</sup> Newhall's *Sketches of Iowa*, pp. 125, 128, 129.

By the year 1850 seven different religious organizations had sprung up in Iowa City, with an equal number of church buildings.<sup>16</sup> Iowa has always been liberal in its attitude toward religion; and this liberality is nowhere better shown than in the provisions for donations of land to the early religious organizations made by Chauncey Swan when the town was first surveyed. Four half blocks were reserved for church purposes on the original plat—a provision which was confirmed by the Legislative Assembly in July, 1840. Any religious sect was entitled to one-half of any block above mentioned on the condition that a church building be completed on said lot on or before July 1, 1843. The Methodist Protestant, the Methodist Episcopal, the Catholic, and the Universalist churches took advantage of this generous offer. These churches were all established in the early forties.<sup>17</sup>

It was in the great stream of westward migration during the forties that the first Congregationalists reached Iowa City, but there was no agitation for an organization and church building until 1856.<sup>18</sup> It is interesting to note how church life was reflected in these early migrations. This was the period when every church felt divinely appointed to spread its own particular faith in every village, and when people were insistent that they should establish in this new country the churches of their "fathers".

In 1846 the Welsh Congregational Church was organized at Old Man's Creek, about five miles southwest of Iowa

<sup>16</sup> Shambaugh's *Iowa City*, p. 89.

<sup>17</sup> Shambaugh's *Iowa City*, p. 30.

Iowa City in its beginning was homogeneous in politics, but not so in religion. Politically it was a Whig town, almost every one voting for William Henry Harrison in 1840. But in religion there was a great diversity, for some seven or eight churches were represented here, almost from the beginning.—Shambaugh's *Iowa City*, p. 51.

<sup>18</sup> *Manual of the Congregational Church, Iowa City, Iowa*, p. 9.

City, which fact would seem to indicate that there was a considerable number of Congregationalists in this region during the forties.<sup>19</sup> It must be remembered, however, that there was emigration as well as immigration. "The great procession to the gold fields of the Pacific Coast marched on through Iowa, and here and there Iowa people fell in with the moving ranks." Churches were greatly weakened by this movement. One church reported the loss of one-fifth of its members because of their eagerness to get to the gold fields. Because of the constant changing of the population it was very difficult to secure the stability and continuity so essential for the building of a church.<sup>20</sup>

Early in the year 1856 and continuing through the summer a great stream of humanity poured into the trans-Mississippi region. Iowa is so situated geographically that almost every westward movement has passed, partially at least, within the bounds of its territory and hence a cross section of the early social life of Iowa gives a correct view of the elements which made up this westward movement. On January 1, 1856, the Rock Island Railroad was completed as far as the Iowa River and thus Iowa City, as the terminal of the railroad, received many additions to its population, and the city grew very rapidly.<sup>21</sup> Many new firms opened business houses and the town experienced what might be called a "boom".

#### THE ANTE-BELLUM CHURCH

Quite a number of these newcomers were of the Congregational order and did not feel at home in any other com-

<sup>19</sup> Douglass's *The Pilgrims of Iowa*, p. 80.

"Congregationalism did not find congenial soil and atmosphere in Early Iowa. If it won its way it was by its inherent worth, and the character of its advocates."—Douglass's *The Pilgrims of Iowa*, p. 86.

<sup>20</sup> Douglass's *The Pilgrims of Iowa*, p. 109.

<sup>21</sup> Shambaugh's *Iowa City*, p. 106.



munion;<sup>22</sup> and although coming from somewhat widely separated regions in the East, were, nevertheless, soon attracted to each other in their western home. It is interesting to note that the First Congregational Church of Iowa City had its origin in the prayer meetings, the first of which was held at the home of Mr. and Mrs. Joseph W. Stow. These meetings were held on Sunday evenings and proved to be exceedingly profitable and interesting, so much so, that it was decided to organize a Society patterned after the New England parish.<sup>23</sup>

Mr. Nathan H. Brainerd, one of the leaders in this movement, came to Iowa City in May, 1856, and soon became acquainted with most of the Congregational people of the town, among whom the formation of a church was then being much discussed. Mr. Stow, at whose home the first prayer meeting was held, was a man of more than average means and of great energy. He possessed rare social qualities and was a natural leader. A great deal of credit must be given these two men for the organization of the First Congregational Church of Iowa City on June 29, 1856.<sup>24</sup>

Twenty Congregational churches were organized in Iowa during the same year in which this church was organized. The conditions were favorable and this year was notable for the spread of Congregationalism in the State. Iowa City was late in finding a place in the ranks of Congregationalism, for the reason that three Presbyterian churches — the Old School, the New School, and the United Presbyterian — occupied the ground sufficiently.<sup>25</sup>

The next step after the organization was the securing of

<sup>22</sup> Mrs. K. B. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 1. This is a paper read by Kate Brainerd Rogers at the celebration of the fortieth anniversary of the Congregational Church, held November 26, 1906.

<sup>23</sup> Mrs. Roger's *The Pioneers of Congregationalism in Iowa City*, p. 1.

<sup>24</sup> Brainerd's *Congregationalism in Iowa City*, p. 4.

<sup>25</sup> Douglass's *The Pilgrims of Iowa*, pp. 122, 125.

a pastor and the person first considered by the members was Rev. E. H. Nevin of Massachusetts, whom they heard during the summer. The church gave him a "call", but after careful consideration he decided not to accept it.

The church then turned its attention again to Massachusetts, which was "the happy hunting ground" for the pioneer church of the West in search of ministerial game. The Rev. Thomas Morong was invited to visit Iowa City and to appear in the pulpit as a candidate. He accepted this invitation and after listening to him through the month of August, the members extended to him a unanimous invitation to come and settle among them. This "call" was finally accepted and he became the first pastor of the church on the first day of the following October. "On the 26 of Nov. a council was called to perform the double purpose of organizing the church and of installing the pastor." Letters of invitation were sent to the sister Congregational churches in Dubuque, Muscatine, Davenport, Burlington, Tipton, Durant, Wilton, and DeWitt and to Rev. Grinnell, Rev. Reed, and Rev. Blanchard.<sup>26</sup>

Seventeen persons presented letters of dismission from various eastern churches. These letters were acted upon by the council "and the holders thereof became the charter members of the First Congregational Church of Iowa City". Their names are as follows: Mrs. J. Warren Clark, Mr. and Mrs. Joseph W. Stow, Mr. and Mrs. N. H. Brainerd, Mr. and Mrs. Benjamin Alden, Mr. and Mrs. John Teesdale, Professor and Mrs. Henry S. Welton, Mr. and Mrs. James P. Black, Mrs. Thomas Morong, Mrs. Levi Smith, Miss Jane Weighton, and Mr. Daniel H. Wheeler.<sup>27</sup>

<sup>26</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 2; *Records of the First Congregational Church of Iowa City*, p. 9.

<sup>27</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 2. This list was also verified by the names given in the *Records of the First Congregational Church of Iowa City*.

The pastor was examined in the house of worship of the Universalist church and on the following day the installation took place in the Baptist church building. The pastor was examined in the presence of ten of his fellow clergymen and four lay delegates. He made a statement as to his call from the church and his acceptance of the same, after which he was questioned as to his "Christian experience, call to the ministry, theological views, knowledge of history"; and it was voted that the examination was satisfactory.

The installation service was held on November 27, 1856. The sermon was preached by the Rev. Jonathan Blanchard, president of Knox College at Galesburg, Illinois, while the pastors of various other Iowa City churches, as well as a number of Congregational ministers from other Iowa towns, participated in the ceremony. It was decided that publicity of the doings of the council should be given through the *Congregational Herald* and the *Independent*.<sup>28</sup>

The new church was now organized and ready to begin its life in the community. The Baptists extended a hearty welcome to the new congregation to worship in their church building and accordingly the Sabbath services were held there in the afternoon. Prayer meetings were held on Thursday evenings in Professor Welton's room on the second floor of the Mechanics' Academy, which building was being temporarily used by the University. "The room was lighted with star candles which were fastened in some kind of a socket on the side walls and woe to the clothing of the person who was unlucky enough to sit under the dripping thereof."<sup>29</sup>

<sup>28</sup> *Records of the First Congregational Church of Iowa City*, pp. 9, 10; *Aurner's Leading Events in Johnson County Iowa History*, Vol. I, p. 375.

Among those who participated in the installation ceremony were Rev. William Salter and Rev. A. B. Robbins, both members of the Iowa Band; Rev. George F. Magoun, later president of Iowa College; Rev. John S. Whittlesey of Durant; and Rev. Luther R. White.

<sup>29</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 3.

About this time a joint stock company erected a building known as the Athenaeum, which stood on the Sanxay lot on North Clinton Street near where the Pratt home now stands. This building was leased for a year by the Congregationalists, and in it a regular morning service and Sunday school were held. The congregation grew rapidly in those early days, so that by the expiration of the first year the membership had increased to forty, six of whom came on confession of faith.<sup>30</sup>

It was felt, however, that there was little prospect of permanent success for the future without a house of worship — a house that might be labelled Congregational. So the church sent Rev. Mr. Morong east to secure aid; but he reported that “the eastern cows were milked dry”, and hence he could secure but little financial assistance. He felt that he did not want to face his congregation without having made a success of his eastern trip and so he resigned. He had served the church a little more than two years as its first pastor. This resignation was presented on Sunday evening, January 16, 1859. A motion was made by Mr. Stow to accept the resignation and it was so decided unanimously.<sup>31</sup>

Mr. Morong in his letter of resignation said that he had grave doubts as to his ability to do successful work in the parish. He was not quite sure whether a man trained in the East could fit himself properly into a western environment. Furthermore, he declared that “a very protracted absence and much persistent labor will be necessary before I can by this means realize funds enough for an edifice. It appears to me that such a lengthy absence of your pastor will en-

<sup>30</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, pp. 3, 4.

<sup>31</sup> Brainerd's *Congregationalism in Iowa City*, p. 5; *Records of the First Congregational Church of Iowa City*, pp. 15, 16; Healy's *Church History in the Iowa City Republican*, August 2, 1876.

danger your very existence as a church. If on the other hand the effort should be abandoned, the society must equally fail, since it is not strong enough to meet the current expenses without foreign aid. In either case whether I go or stay the good of the church seems imperilled. I am conscious also of my inability to accomplish just the kind of work requisite to push through a young enterprise in the West. A man is needed there who combines with his spirituality and intellectual resources *a high degree of administrative ability*. With an ardent devotion, he must unite wisdom and tact in conciliating and stimulating others and in managing means and ends. In such qualities I am sensible of a great deficiency. Still further I am satisfied that I have failed to secure that *unanimous* love and coöperation from the Church and Society which is absolutely essential in so small a number to ensure stability. The dissatisfaction of a single member from whatever cause, must interfere materially with your prospects.”<sup>32</sup>

## THE PANIC OF 1857

Every student of history knows that a financial panic swept over the country in 1857-1858 and that business was virtually brought to a stand-still. A church is not so unrelated to mundane affairs that it does not feel changes in the conditions of its environment. Men in those days in pioneer regions had but little money, but the “fathers” of the church gave liberally of that which money can not buy — their own loyalty and labor. Yet money is a vital factor in the maintenance of churches; and when banks began to fail, when money was of the wild-cat variety which was good in the morning and worthless in the evening, when business was paralyzed and every business man was uncertain con-

<sup>32</sup> *Records of the First Congregational Church of Iowa City*, p. 16.

cerning the future, the churches, like all other institutions, felt the dire effects.<sup>33</sup>

Contemporaneous with the financial panic was a movement of quite a different nature — namely, the revival of 1858. This was a great moral upheaval which swept over the country from coast to coast. The First Congregational Church of Iowa City felt the impulse of this movement, and twenty-four members were added to the church roll.<sup>34</sup>

Nevertheless, the financial panic had wrought its work and a number of the members sought other and more lucrative locations; and those who did remain could give but little money for the support of the church. It must be remembered, also, that the seat of government of Iowa was at this time being removed from Iowa City to Des Moines. It was argued that the capital ought to occupy a central location both with regard to area and population. "The archives of the State were all transported overland; for the Mississippi and Missouri Railroad Company had not yet extended their road beyond Iowa City. The snows of the winter of 1857-58 had begun to fall when the public safe, the last article to be removed, was loaded on two bobsleds and drawn by ten yoke of oxen from the old capital to the new."<sup>35</sup> With this exodus went the Teesdale family. Mr. John Teesdale was the editor and proprietor of the *Iowa City Republican*, and after leaving Iowa City he established in Des Moines the newspaper now known as *The Register and Leader*. The going of Mr. Teesdale meant a severe loss to the church.<sup>36</sup>

So great was the financial depression during this period

<sup>33</sup> Brainerd's *Congregationalism in Iowa City*, p. 5; Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 3.

<sup>34</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 4.

<sup>35</sup> Shambaugh's *Iowa City*, p. 116.

<sup>36</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 4.

that the work of the State University was suspended for one year because of lack of funds.<sup>87</sup>

In the midst of all these discouragements it was necessary to secure the second pastor for the church. It was felt that the church could not long flourish without a minister and so a meeting was held in Music Hall on August 23, 1859, for the purpose of discussing the question of securing a pastor. Rev. N. J. Morrison of Rochester, Michigan, had received an invitation from the trustees of the society to visit the church and society as a candidate for the pulpit, and he had occupied the pulpit on the two Sabbaths immediately preceding the meeting just mentioned. Mr. Brainerd, as chairman, proceeded by direct question to ascertain the wish of each member present in regard to inviting Mr. Morrison to become the second pastor of the church. The general impression was favorable and so a call was extended. The stipend for his support was to be six hundred dollars. In issuing the "call" it was written that the church and society "are unanimous in their feeling that you are the man whom God hath sent to break to us the bread of life."

Mr. Morrison in replying said that he believed that such a relation would be impolitic and mutually disadvantageous, and therefore he declined the invitation.<sup>88</sup>

In December, the Rev. John C. Hutchinson accepted a call to become pastor of the church, and he was installed on December 20, 1859. He, too, became discouraged, however, and resigned on June 16, 1860. In part his letter of resignation read as follows:

After much prayer for Divine Guidance and much deliberation and free consultation with ministers and other persons in the church and out of it—Against the fondest hopes which I once cherished

<sup>87</sup> Aurner's *History of Education in Iowa*, Vol. IV, p. 22.

<sup>88</sup> *Records of the First Congregational Church of Iowa City*, pp. 22, 23.

and the tenderest sympathies which I now cherish, I am constrained by a sense of duty which I owe my God, my own conscience and a lost world to resign my office as your pastor.<sup>39</sup>

After a full and free discussion, the resignation was unanimously accepted by vote of the church. In August, the Rev. Mr. Allen of Keokuk supplied the pulpit for two weeks. He had been the pastor of a Baptist Church in Keokuk, but had committed what in those days was considered the unpardonable sin of partaking of communion in a Presbyterian Church, and for this reason was excommunicated by his Baptist brethren. At a meeting held in the Evangelical Lutheran church building on September, 1860, it was resolved "that we extend to the Rev. W. W. Allen an invitation to be our minister for one year provided we can raise a sum sufficient for his support." It was decided at a later meeting of the society that the salary should be six hundred dollars. Mr. Brainerd says of Rev. Allen that he was "an excellent man and did us good service for nearly three years." With the coming of Mr. and Mrs. Allen the church seemingly took a new lease on life.<sup>40</sup>

This "First Church", therefore, enjoyed the ministry of three pastors and at its beginning had seventeen charter members, forty more were added the first year, and during its eight years of subsequent existence, fourteen others were added — making an aggregate of seventy-one members.

#### THE CHURCH DURING THE CIVIL WAR

But another great calamity which was to break the continuity of the church's history lay ahead — namely, the

<sup>39</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 5.

<sup>40</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, pp. 5, 6; Brainerd's *Congregationalism in Iowa City*, p. 5; Healy's *Church History in the Iowa City Republican*, August 2, 1876; *Records of the First Congregational Church of Iowa City*, pp. 32, 33.

The history of Dr. Healy consists of excerpts from his sermon preached on the occasion of the decennial anniversary.



great Civil War. It goes without saying that Congregationalism in Iowa was profoundly affected by the drain of young men called to the service of the Union. Congregations were depleted, churches suspended or entirely broken up, and women were compelled to work in the fields because the vigorous men had enlisted in the army.<sup>41</sup>

The military spirit was strong in Johnson County, as is shown in the organization of the "Washington Guards" in 1858. They began to drill in May of that year and continued until the outbreak of the war. "The Iowa City Artillery Company" and "The Iowa City Dragoons" were also organized in the same year — in all, three military organizations sprang into being in a single year. The military spirit of the time was contagious and from this time on for half a decade and more, nothing but rumors of war and news of battles filled the minds of men and women who were either engaged in bearing arms or in caring for those for whom they were responsible. It is said by those who remember, that there was an extreme loyalty for the Union in Iowa City and that there was an increasing determination that the Union must be saved at all hazards and that no sympathizer with the South could long hold his head high in society. Company after company marched away to the scene of battle until no men seemed to be left, and then came the draft which emptied Iowa City and Johnson County of all its young, virile manhood. In a situation such as this it was difficult for any kind of institution or organization to avoid disintegration.<sup>42</sup>

"The First Congregational Church" was destined to be strangled in the throes of the great war: it was too young and weak to survive the shock which threatened to sever the

<sup>41</sup> Douglass's *The Pilgrims of Iowa*, p. 152.

<sup>42</sup> Aurner's *Leading Events in Johnson County Iowa History*, Vol. I, pp. 505 ff.

Nation in twain. Mr. W. W. Allen, the third and last pastor of the "First Church", accepted a call to the Congregational Church in Council Bluffs, where he was pastor for two or three years, when on account of failing health he returned to Rensselaerville, New York. There he died on November 27, 1866.<sup>43</sup>

Mr. Brainerd proposed, in a meeting held on the evening of September 14, 1863, after it was learned that Rev. Allen would not remain as pastor for another year, that "we suspend indefinitely our meetings for public worship in view of the fact that we were few in number, without a pastor, and unable to rent a house of worship suitable to our wants." While it was decided to discontinue the Sabbath service, the prayer meeting was to be held every two weeks at the residence of members on Sunday evenings. The regular Thursday evening meetings were discontinued until February 7, 1864, when it was decided to discontinue all stated meetings and leave the call of all future meetings to the proper church officials.<sup>44</sup>

Mr. I. N. Jerome, one of the most influential men in the church, was moderator at this meeting. He was a man of unusual ability, a lawyer with a fine mind and warm heart. "In December he died and with him died many of the hopes in regard to the success of the church."

In November, 1865, nine letters were granted to members who wished to join other churches in the city or were about to move away. After this wholesale exodus the following members were left: Mrs. J. Warren Clark, Mr. and Mrs. N. H. Brainerd and daughters Louise and Kate, Mr. and Mrs. John Borland, Charles Borland and Miss Kate Bor-

<sup>43</sup> Healy's *Church History* in the *Iowa City Republican*, August 2, 1876; Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 6.

<sup>44</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 7; *Records of the First Congregational Church of Iowa City*, p. 47.

land, Mr. and Mrs. Welton, Mrs. Levi Smith, Dr. and Mrs. Star, Mrs. Curtis and daughter Cornelia, Mrs. Tedd and daughter Maria, Mrs. Charles Lewis, Mr. Joseph Griffith, and Mr. E. P. Loud — twenty-one in all.<sup>45</sup>

During this discouraging period the various churches joined in a sort of itinerary about the city in the holding of public worship, which reminds one of the days of the circuit rider, except that it was conducted in a more limited and less hostile area. The places of worship were in this order: the Baptist Church, the Athenaeum, the Universalist Church, the Methodist Protestant Church, Music Hall, and the English Lutheran Church.<sup>46</sup>

The Universalist church was located near the corner of Iowa Avenue and Dubuque Street. It stood a distance back from the street with a grass plat in front. Of this building it has been said that "it was a very comfortable little church for a small congregation and had one advantage over any other church that I have ever known. Back of the pulpit and raised enough to give a good view of it was an oil painting of angel or cherub heads. If the sermon was uninteresting the listener always had the attitude of seeming very attentive when in reality he was wondering what had become of the bodies of those cherubs."<sup>47</sup>

<sup>45</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, pp. 7, 8.

Mr. Charles Borland was a refined and cultured young man whose influence for good in the community was unquestionable. He died in the prime of life, just a short time before the present church was organized.

Mrs. Charles Lewis became for a time a member of the Methodist Church, but returned to Congregationalism when the present church was organized. Her brother, Mr. Joseph Griffith, was an officer in the United States Army, and an open letter was granted to him.

<sup>46</sup> Shambaugh's *Iowa City*, p. 90; Shambaugh's *Notes on the Early Church History of Iowa City* in the *Iowa Historical Record*, Vol. XV, 1899, pp. 564 ff.; Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 47.

<sup>47</sup> Shambaugh's *Notes on the Early Church History of Iowa City* in the *Iowa Historical Record*, Vol. XV, 1899, p. 568; Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, pp. 8, 9.

Music Hall stood next to the Universalist church directly on the corner of Iowa Avenue and Dubuque Street. Both of these buildings were later burned. The Methodist Protestant church building was sold to the members of the Christian Church and was superseded by a new structure. The original Baptist and English Lutheran church buildings have been replaced by more stately edifices.<sup>48</sup>

"The First Congregational Church was formed mainly of people recently come to the city", says Mr. N. H. Brainerd. "It was then for a new organization remarkably strong in numbers, in working material and in means and for two or three years carried on its enterprise without any outside assistance. The reverses of 1857 and the dull times that followed caught these new arrivals unsettled in business and floated many of them off until the remainder found the load too much to carry and suspended operations."<sup>49</sup>

The same writer declares that "The 1st Congregational Church of Iowa City, after a varied existence of some eight years, died and was buried, the funeral services being held at our house. With its bones were buried many hopes, and many pleasant anticipations. . . . There were preserved of it but hallowed memories of the past—friendships that will last through this life and we trust run forward into the eternal."<sup>50</sup>

#### THE POST-BELLUM CHURCH

All the while there had been an undercurrent working in the direction of rejuvenating the Congregational Church of Iowa City. A number of persons who were enthusiastic in their support of this movement met on July 16, 1866, in the New School Presbyterian church. It was very gratifying to

<sup>48</sup> Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 10.

<sup>49</sup> Quoted from the *Iowa City Republican* in Mrs. Rogers's *The Pioneers of Congregationalism in Iowa City*, p. 11.

<sup>50</sup> *Iowa City Republican*, November 17, 1869.

know that there was a nucleus of eighty persons from the two churches—"The First Congregational" and "The New School Presbyterian"—who desired to merge the two into a single organization to be known as "The Congregational Church of Iowa City". A committee which consisted of Rev. Hebard, Mr. N. H. Brainerd, and Dr. John Doe was appointed to draft articles for a Congregational Church and society. At a subsequent meeting on July 20th, this committee reported a constitution for the society and articles of faith, covenant, and rules for the church.

In the first paragraph of the constitution it was unequivocally stated that "This church is the Congregational Church of Iowa City."<sup>51</sup>

Calvinistic theology had the right of way in American Congregationalism until about the time of the Civil War. Slowly, however, both ministers and laymen were abandoning Calvinistic interpretations, so that when in 1865 the representatives of the churches in session at Plymouth, Massachusetts, promulgated, after careful consideration, the Burial Hill Declaration of Faith, it was deemed unnecessary to introduce into that declaration a statement recommended by the committee, to the effect that "our churches still adhere to that body of doctrines known as Calvinism." The first "Confession of Faith" for the Iowa City church was written the following year and hence is strongly tinged with the theology of the day. Calvinism has now almost completely disappeared among Congregationalists as is shown in the "Confession of Faith" adopted by this church in 1914.<sup>52</sup>

While both the church and the society were organized on

<sup>51</sup> Brainerd's *Congregationalism in Iowa City*, p. 6; *Minutes of Congregational Society of Iowa City*, pp. 1, 2; Healy's *Church History in the Iowa City Republican*, August 2, 1876.

<sup>52</sup> Jefferson's *The Puritan Theology*, p. 21.

July 20, 1866, they were not recognized until July 31st, which date, therefore, is the official birthday of the present church.

As has already been observed, Congregationalism expresses itself through a church organization and a "Society". The latter is made up almost entirely of members of the church, but may include and in fact always does include a number of persons not members of the church, but who support it by their attendance and contributions. Sometimes the members of the society are called the brothers-in-law of the church. "Its object shall be to promote the interests of true religion in connection with the Congregational Church of Iowa City."

The purpose of the society, furthermore, is to buy, hold, and sell the church property and manage its finances. It must concur with the church in the "calling" of a pastor — otherwise he would not be properly "called" and might not receive his salary. Beyond this the persons composing the society do not interfere with the affairs of the church.<sup>53</sup>

In the council of recognition held in the New School Presbyterian church, the Congregational churches of Dubuque, Davenport, Durant, Muscatine, and Grinnell were represented. The sermon was preached by Dr. George F. Magoun, president of Iowa College. Professor Talbot read the documents, papers, and proceedings of organization, together with the "Articles of Faith", the "Covenant",

<sup>53</sup> *Minutes of Congregational Society of Iowa City*, p. 3.

Article 10 of the Constitution of the Congregational Society reads as follows:

"The Board of Trustees shall have entire control of the financial and business affairs of the Society. They shall have power to lease or purchase real estate and hold the same as Trustees of the Society in its corporate capacity to sell, convey and control the same. They shall report their doings and the condition of the property and finances of the Society at each annual meeting".

The members of this society shall consist of all who append their names to this Constitution, together with all others who may hereafter sign the same after having been admitted by vote of the Society.—Mrs. A. N. Currier's *The Church and Its Pastors*, pp. 3, 4.

and the "By-Laws". All these were deemed satisfactory by the council. At the close of the session Dr. Magoun introduced a resolution recommending the church to "the sympathy of sister churches in the state". Furthermore, the Congregational Union was asked to help in securing a suitable house of worship by making a "liberal appropriation".<sup>54</sup>

The church worshipped until October in the New School Presbyterian church, then in the Universalist church, and after that worship was conducted in the English Lutheran church, on the site of the present building. Thus the church was again driven from pillar to post in its attempt to find a suitable place of worship. One can imagine with what enthusiasm it was announced that the first floor of the present building was ready to be occupied.

#### THE NEW SCHOOL PRESBYTERIAN CHURCH

No history of Congregationalism in Iowa City would be complete without some mention of the New School Presbyterian Church which occupied what was known as "The Stone Church", on Burlington Street. In other words, it must be remembered that two church societies were fused to form the present organization.

"Presbyterian Church erected A. D. 1845", is the simple inscription found on a tablet on the front of the New School Presbyterian church building. The correct name of this church as it was originally organized was "The First Constitutional Presbyterian Church of Iowa City". During its twenty-five years of existence, it had, with the exception of one year, depended upon missionary aid. The church was in debt, the church building needed repairs, and it was too small and inconveniently located to make the outlook

<sup>54</sup> Healy's *Church History* in the *Iowa City Republican*, August 2, 1876; Mrs. Currier's *The Church and Its Pastors*, p. 6.

hopeful for self-support. Besides, there were two other Presbyterian organizations in Iowa City at this time — the Old School and the United Presbyterian. As a matter of fact, at this time the New School Presbyterian and the Congregational churches were practically coöperating in missionary and educational work. There was not an adequate field for three Presbyterian churches in a city the size of Iowa City.<sup>55</sup>

#### THE PASTORATE OF REV. HEBARD

The ecclesiastical transition and initial success of the present church is largely due to the enthusiasm and persistency of Rev. George D. Hebard. He was born in Brookfield, Vermont, in 1831, and could trace his lineage directly to the Pilgrim fathers through a long line of Congregational ancestors. He studied at Dartmouth and at Union Theological Seminary. His father was a Baptist, his mother a Methodist, his wife an Episcopalian, and as for himself he declared that he hardly knew whether he was a Presbyterian or a Congregationalist. One of the great services of his ministry was the uniting of the Congregational and New School Presbyterian Churches of Iowa City. He was pastor at Claysville, New York, and later at Clinton, Iowa, and then the successful pastor of the New School Presbyterian Church of Iowa City from 1858 to 1866.<sup>56</sup> He may justly be called the father and "founder of this Church". On November 1, 1866, he was elected pastor for one year, and continued to serve in that capacity until February 7, 1869. Ninety members were added during his pastorate of two

<sup>55</sup> Paine's *How New School Presbyterians Became Congregationalists*, p. 1.

This paper was read by Stephen Edson Paine at the fortieth anniversary of present Congregational Church on November 25 and 26, 1906.

<sup>56</sup> Douglass's *The Pilgrims of Iowa*, p. 217; Healy's *Church History in the Iowa City Republican*, August 2, 1876; Aurner's *Leading Events of Johnson County Iowa History*, Vol. I, pp. 376, 377; Mrs. Currier's *The Church and Its Pastors*, p. 7.



and one-half years — fifty-seven by letter and thirty-three on confession. He was called to the church at Oskaloosa, where he died on December 11, 1870, at the age of thirty-nine years. It was a sore disappointment to his friends that he could not minister in the building for which he had labored so earnestly. He left in Iowa City as monuments to his name a strong church and a house of worship which is still in use.

Mrs. Hebard was of New England and Huguenot ancestry and is especially remembered because of her friendliness and happy disposition. Both Mr. and Mrs. Hebard were buried in the cemetery at Iowa City.<sup>57</sup> A beautiful window, the middle window on the south side of the church, was placed there in 1903 by their children in memory of their father and mother.

The *Congregational Quarterly* paid Mr. Hebard the following glowing compliment:

He was an earnest, laborious, studious man, and an able, energetic, and successful minister of Christ. He was a somewhat vehement preacher, overtaking often both lungs and nerves; direct, unhesitating, and impulsive in address; active, restless, and unsparing of himself in out-door and pastoral labors, he did not mean to *rust* out, and he *did* wear out in the service of the Master and the church.<sup>58</sup>

#### THE ERECTION OF THE PRESENT CHURCH BUILDING

The period of national reconstruction was also a period of ecclesiastical reconstruction in the newly organized Congregational Church of Iowa City. The most gigantic problem facing the church was the erection of a tabernacle of worship. In the minutes of October 3, 1866, is found the

<sup>57</sup> Mrs. Currier's *The Church and Its Pastors*, pp. 15, 30.

<sup>58</sup> Healy's *Church History in the Iowa City Republican*, August 2, 1876. On the window there is the following inscription:

“George D. A. Hebard 1831-1870  
Margaret Marden Hebard 1830-1902”.

declaration that "our interests as a society demand that we make immediate efforts toward building a house of worship next season."

Four committees of two members each were appointed to plan for a new church building. These committees were as follows: the first committee, to secure a site for the church, subject to the approval of the society; the second committee, to plan for a church building not to cost more than fifteen thousand dollars, "more or less"; the third committee, to ascertain how much money could be raised; and the fourth committee, to find out what money could be secured "from abroad and under what conditions."<sup>59</sup>

The *Iowa City Republican* of January 2, 1867, said that "the Congregational Society has purchased the lot on the corner of Clinton and Jefferson streets fronting the University on which they propose to erect a neat, tasty building 44 x 75 feet with basement, &c, &c." By vote of the society the lot was not to cost more than eighteen hundred dollars, but as a matter of fact it cost a little more than two thousand dollars. The architect, a Mr. Randall of Chicago, made the plan at a cost of four hundred and fifty dollars. The Congregational Union loaned two thousand dollars.<sup>60</sup>

Many anxieties and perplexities arose as to how the erection of the church building was to be financed, whether it was to be built of brick or wood, whether chestnut or pine was to be used for inside finish, and whether it was to be painted or grained.

The laying of a corner-stone is an epoch-making event in the life of any institution. It was a beautiful day, the ninth

<sup>59</sup> *Minutes of Congregational Society of Iowa City*, p. 8.

<sup>60</sup> Mrs. Currier's *The Church and Its Pastors*, p. 9.

Great faith was shown in the possibilities of building a new church, for as early as November and December, 1866, the members of the church were buying their choices of pews — twenty-one choices being sold in all — a year and a half before the corner-stone was laid.

of June, 1868, when the corner-stone of the present edifice was laid in the presence of a large audience. The program was well planned and consisted of music furnished by the various church choirs of the city, addresses by Rev. Dr. Dixon, pastor of the Baptist Church, Professor Fellows of the State University, Rev. Lyman Whiting, pastor of the Congregational Church of Dubuque, and Rev. Christopher Cushing, Secretary of the Congregational Union.

The following articles, it was announced, were deposited in the corner-stone: a copy of the Bible; a printed manual of the church; a list of the officers and members of the church and society; a list of the members of the Ladies Benevolent Society; a list of the subscribers to the building fund; the names of the architects and builders; the names of the clergymen in Iowa City; catalogues of the State University of Iowa, the Deaf and Dumb Institute, and the Commercial College; lists of the officers and members of the State Historical Society, of the Young Men's Christian Association, and of the Ladies' Soldiers' Aid Society; a list of the officers and teachers in the public schools; a photograph of the building taken by Mr. Weatherby; copies of the *Iowa City Republican*, the *Iowa State Press*, the *Annals of Iowa*, and the *Congregationalist*; the minutes of the last Congregational Association of Iowa and resolutions of said association against the use of tobacco; and coin and postal currency presented by Mr. S. E. Paine. After the placing of these articles in the stone and the "laying of the stone" itself, Rev. Hebard made a short address and pronounced the benediction.<sup>61</sup>

It was very much regretted that the Rev. Mr. Osmond of the Presbyterian Church could not be present since "he had sympathized so heartily with us from the beginning." Professor Talbot interpreted the entire proceedings at the lay-

<sup>61</sup> Mrs. Currier's *The Church and Its Pastors*, pp. 10, 11, 12, 13.

ing of the corner-stone to the pupils of the Deaf and Dumb Institute, then located at Iowa City.<sup>62</sup>

Much interest was manifested not only in Iowa City, but in all the surrounding country, in the progress of the work on the new church building. The *Iowa City Republican* of November 4, 1868, contained the following statement:

The Congregational building is under roof and secure. The tower is above the peak of the roof, and will soon with good weather, be completed ready for the spire, which will be put up as quickly as possible, and will be 148 feet high. The front of this building is nearly completed, and the rear cornice is being put on. The Catholic building has the cornice on, . . . the west side well under way. A few days of good weather will make it secure. The tower is up to the peak of the roof and progressing fin[e]ly. Its spire will be 164 feet high. Thus both of these fine buildings are assured of inclosure. When these houses were commenced many shook their heads and predicted that these houses would never reach present advancement, but they have gone right along and their progress has shown a pluck on the part of the societies building them not often seen. The same pluck will command respect and assistance from others, and will carry them through to the completion of these ornaments to our beautiful city. Here are good examples for other societies to follow.

The church was dedicated on a bright and beautiful day—December 19, 1869. The seating capacity was exhausted, the aisles were filled, and many people were standing. The choir rendered appropriate music; the invocation was given and the Scripture read by Dr. George F. Magoun, president of Iowa College; the sermon was preached by Dr. Gulliver of Knox College; and the dedicatory prayer was offered by the newly-arrived pastor, Rev. Rufus Sawyer. It is said

<sup>62</sup> Mrs. Currier's *The Church and Its Pastors*, p. 13.

"The Institution for the Deaf and Dumb" was established in 1855. Benjamin Talbot was appointed principal of this school in 1862. An effort was made in 1866 to remove the school to Des Moines. This attempt failed, but the institution was later removed to Council Bluffs.—See Shambaugh's *Iowa City*, p. 89.

that Dr. Gulliver's dedicatory address was one of the most polished and eloquent sermons ever heard in Iowa City.

Dr. Magoun preached in the evening of the same day. At the time of the dedication there were exactly one hundred and twenty members, and with this fact in mind Dr. Magoun chose as the text for his evening discourse: "The number of the names of them were about a hundred and twenty."<sup>63</sup> The collections and subscriptions of the day amounted to more than three thousand five hundred dollars.

The building which was thus dedicated was said to be one of the finest and best equipped pieces of church architecture to be found at that time in the whole State of Iowa, if not in the Middle West, and it completely exhausted the financial resources of the society. The finished building, with furnaces and furniture complete, cost thirty thousand dollars; and although the people had been extremely liberal in their giving, a large indebtedness remained which plagued the church for years to come. "The Ladies Benevolent Society" assumed the responsibility of the last thirteen hundred dollars and paid it in yearly installments of two hundred dollars each, never missing a single payment, and thus in 1882 the entire indebtedness was wiped out. It is only just that full tribute should be paid to the men and women whose courage and sacrifices made possible the erection of this tabernacle. "If prayers and sacrifices are the distinguishing features of an offering to the Lord, then this building is such an offering."<sup>64</sup>

In October, 1869, the Rev. Rufus Sawyer was called from Middleboro, Massachusetts, to become pastor of the Iowa City church. His pastorate was not entirely successful and

<sup>63</sup> Mrs. Currier's *The Church and Its Pastors*, p. 13.

<sup>64</sup> Brainerd's *Congregationalism in Iowa City*, p. 9.

For a discussion of the growth of Congregationalism in Iowa during this period see Douglass's *The Pilgrims of Iowa*, Ch. IX.

he continued only until the spring of 1871, when he resigned and became pastor of the church at Anamosa, Iowa. Mr. Sawyer was a deeply consecrated man, but he found it very difficult, as an eastern man, to adapt himself to conditions in the Middle West. During his short pastorate of eighteen months, twenty-one members were added to the church — four by confession and seventeen by letter.<sup>65</sup>

The church was very fortunate while yet in its infancy in securing the services of the Rev. W. E. Ijams. Mr. Ijams was one of the most popular preachers the church has ever had and during his pastorate the church auditorium was thronged with eager listeners, and he was especially pleasing and attractive to the young people. His pastorate was remarkably successful — sixty-six members were added, thirty-eight by confession and twenty-eight by letter.

Mr. Ijams was to receive two months vacation each year and a salary of not to exceed \$2000. His health soon failed, however, and in the summer of 1873 he was compelled to ask for a prolonged vacation which he spent at the sea-side. He came back somewhat recuperated in September, preaching each Sunday morning until January, 1874, when he was on the brink of a complete nervous breakdown and so was forced to resign "and seek the more vitalizing and bracing climate of the Pacific Coast." He became pastor of one of the large Congregational Churches in San Francisco.

The church was deeply grieved to know that circumstances had arisen which made it imperative for the pastoral relations of Mr. Ijams to be severed. "Resolved, that we express to Mr. Ijams also our grateful acknowledgements for his wise and excellent service and our regretful acquiescence in his departure", reads the resolution adopted at the time of his resignation.<sup>66</sup>

<sup>65</sup> Healy's *Church History* in the *Iowa City Republican*, August 2, 1876.

<sup>66</sup> Healy's *Church History* in the *Iowa City Republican*, August 2, 1876; Mrs. Currier's *The Church and Its Pastors*, p. 18.

Rev. Lysander Dickerman supplied the church during the eight months from February, 1874, to October of the same year. He had previously been pastor of the Congregational Church in Quincy, Illinois. He has been characterized as not so great a preacher as his predecessor, but as a man of much organizing ability. He was also especially efficient in the management of financial matters. It was at his suggestion that pew rents were given up and superseded by the envelope system of making contributions. The seats were made alike free to all members of the church, to all citizens, to all students, and to all strangers. "Instead of the revenue heretofore derived from pew rents," it was resolved that "reliance for the means to meet the expenses of the society shall hereafter be upon the regular voluntary contributions of the members of the congregation, and upon the irregular voluntary offerings of occasional attendants." An offering was to be taken each Sabbath morning and evening.

Mr. N. H. Brainerd made a motion at a meeting of the society that Rev. Dickerman should receive a salary of eighteen hundred dollars. There was one addition to the church membership during his pastorate.<sup>67</sup>

Dr. J. W. Healy of the Tabernacle Church in Chicago was asked to become pastor of the Iowa City church on July 6,

<sup>67</sup> *Minutes of Congregational Society of Iowa City*, p. 41.

It was decided on May 18, 1874, to change from pew rent to regular voluntary contributions, the following report being adopted:

"Persons who have rented pews until the first of September may, if they choose, regard themselves as released from obligation to pay rent for the same, after the first day of June.

"No one's position in the church shall be dependent on the amount of money he or she may give. Let each one be able to say: I have done what I could.

"Brethren and friends, this plan is not a new one, and is not offered as an experiment. In its main features it has been fully tested by some of the most active and useful churches in the country, east and west, and always with the most satisfactory results.

"Although it may seem to relate mainly to the material and pecuniary inter-

1875, and he began his labors on August 15th of the same year. His salary was \$2000. During this pastorate fifty-seven members were added to the communion, twenty-two by confession and thirty-five by letter. His pastorate continued for one year and then Dr. Healy went to the Congregational Church at Ottumwa.

Various persons filled the pulpit until December, 1876. On the evening of December 7, 1876, Mrs. M. T. Close moved "that Prof. L. F. Parker, C. M. Calkins and W. S. Welton be appointed a committee to confer with Reverend G. H. Thacher and ascertain to what extent and upon what terms this society can secure his services to fill the pulpit of this Church and for what length of time". Dr. Thacher had been in very ill health — so that he had resigned the presidency of the State University of Iowa. He was pastor of the church from December, 1876, to April, 1878. Mrs. Thacher is remembered as a woman "with a saintly soul shining out of her delicate face".<sup>68</sup>

Among the candidates appears the name of Rev. F. L. Kenyon of St. Joseph, Missouri, who was given a call in June, 1878. Mr. Kenyon was pastor of the church for seven years and finally resigned "to go into another field of labor more conducive to his health." An intimate friend has characterized Mrs. Kenyon in this fashion: "pretty Mrs.

ests of the church, it is believed that it will be found to have an important bearing on its spiritual growth, and help to promote its great work of bringing the hearts of men nearer to the Master.

"The committee hope that they shall receive your thoughtful and prayerful co-operation, and that this church will be guided to a sphere of ever widening sympathy and power."

<sup>68</sup> Healy's *Church History* in the *Iowa City Republican*, August 2, 1876; *Minutes of Congregational Society of Iowa City*, p. 45.

It is interesting to note that a president of the State University of Iowa supplied the pulpit of this church for a period of several months and later became pastor of the church.



Kenyon so charming surrounded by her pretty boys and girls".<sup>69</sup>

The Rev. R. G. Woodbridge was summoned to be pastor of the church in 1885. In the second summer of his ministry Mr. Woodbridge called the young people of the parish together and related to them in a very interesting way his experience in attending a national conference of the Christian Endeavor Society at Old Orchard, Maine, and suggested that a Christian Endeavor Society might be of great value in the Iowa City church.<sup>70</sup> About forty young people, many of whom he had instructed in the "class for Christian training", enthusiastically signed a Christian Endeavor pledge, "which at that time included attendance at the Christian Endeavor meeting and participation" in some way in its meetings. "These promises which were presented to us with much seriousness gave us just the sense of unity we needed. With the return of the students in the autumn the membership was increased to about a hundred and a most helpful organization was the result."<sup>71</sup>

Mr. Woodbridge was a "remarkable leader of young people." Furthermore, his ministry has been characterized as follows:

He had the happy faculty of really becoming acquainted with his young people in a fatherly way so that he knew their hopes and their disappointments. As a result during his administration the unusual happened in the way of mid-week prayer meeting attendance. The large down-stairs room would be so well filled that extra seats had to be brought in because the young people came and brought their parents with them. Mr. Woodbridge also did a good work with the older people by establishing the custom of friendly

<sup>69</sup> Mrs. Currier's *The Church and Its Pastors*, pp. 21, 24.

Rev. F. L. Kenyon was the father of United States Senator William S. Kenyon.

<sup>70</sup> The Christian Endeavor Society in America was founded by Francis E. Clark (a Congregationalist) in 1881.

<sup>71</sup> Mrs. E. W. Rockwood's *Reminiscences*.

visiting which was new to many and which developed his idea of the Church as a big family with a common purpose.<sup>72</sup>

Mrs. Woodbridge was kept so busy with her home duties that a member of the church declared "that we couldn't have all we wanted of her".<sup>73</sup>

#### THE BETHLEHEM MISSION

Every church needs an outlet for its surplus energy. This church long ago caught the vision of service and as a result established an outpost known as "Bethlehem Mission". This "Mission" was adopted by the Congregational Church in 1886.<sup>74</sup> "It had been in existence for several years, and the Bible School sessions were held in the house of Deacon C. M. Calkin."<sup>75</sup> Later a brick chapel known as "Bethlehem Chapel" was erected on Fairchild Street at a cost of seventeen hundred dollars. The property is held by a corporate body consisting of the pastor of the Congregational Church, the deacons, and three other persons chosen by the church.<sup>76</sup> The work of the "Mission" is under the control of a Board of Directors known as the "Bethlehem Chapel Directors", consisting of the pastor, the deacons, the superintendent of the "Mission Bible School", and

<sup>72</sup> Mrs. Rockwood's *Reminiscences*.

<sup>73</sup> Mrs. Currier's *The Church and Its Pastors*, p. 24.

<sup>74</sup> At a called meeting of the society held on May 19, 1887, the following preamble and resolution were adopted:

"Whereas,—Certain persons offer to donate to this society a lot in the Northeast part of the city as a site for a building to be used for the Educational and Religious benefit of the Bohemians in that quarter; therefore

Resolved — That we will accept the donation for the purpose indicated".

<sup>75</sup> *Manual of the Congregational Church, Iowa City, Iowa*, 1914, p. 8.

<sup>76</sup> At a meeting of the Congregational Society of Iowa City, held August 16, 1888, the following resolution was adopted:

"Resolved — That the Trustees of this society are hereby authorized and instructed in the name and behalf of this society, to convey that part of out lot No. 9 in Iowa City, Ia. now held by this society in trust for the use of the Bohemian Mission, to the organization now having charge of said mission".

three other persons nominated by the Board of Directors and elected by this church for a term of two years.<sup>77</sup>

LATER HISTORY OF THE CHURCH

The following resolution was offered at the time Mr. Woodbridge tendered his resignation:

Resolved — That while we regretfully accept his resignation, we record the following statement respecting his two years work among us; We feel that the church has been greatly blessed under his ministrations; that it has been edified not only intellectually, but spiritually and morally; that the Master's injunction, "Whosoever would be great among you let him be your minister and Whosoever would be chief among you let him be your servant" has, been literally fulfilled; for we have been served with conscientious fidelity to this most exalted ideal. As a result of this painstaking service, under the blessing of God, Fifty six have added to the church Fifty on confession and sixteen by letter and with this increased membership, increased activity has resulted in all lines of church work.<sup>78</sup>

The Rev. Mr. Bullock of South Haven, Michigan, was summoned to be pastor of the church on March 1, 1888, and thus was begun a happy pastorate of eleven and one-half years — the longest the church has ever had. It was during this period that the parsonage was built. An organization was created known as "The Parsonage Fund Association", which included all the ladies in the church. Mrs. Andrews who was the organizer and president of the Kings' Daughters, was elected president of the association. The ladies were extremely devoted to this "fund". "From this time until the Parsonage was paid for the ladies turned most of their earnings into this Fund only reserving enough to pay the Organist." The association contributed in all \$2318.20 — nine hundred dollars of which was given at one time by

<sup>77</sup> *Manual of the Congregational Church, Iowa City, Iowa, 1914, p. 8.*

<sup>78</sup> *Minutes of Congregational Society of Iowa City, p. 76.*

Mrs. C. D. Close. In the preceding year, the ladies had received five hundred dollars as a legacy from Mrs. Gunsolus and this sum became the "nest egg" for the parsonage fund. After the parsonage was nearly remodelled, the red brick structure was so plain in appearance that Mrs. C. D. Close made a second contribution, this time of two hundred dollars, "for a two story bay window on the south so that the family could have more sun in the living room and Mr. Bullock could have a cheery study."<sup>79</sup> In the beginning of this pastorate, Mr. and Mrs. Bullock lived in their own rented house, but in September, 1891, they were "installed" in the new parsonage which stood to the east of the church.<sup>80</sup> They were very grateful to the parish for the comfortable and commodious home and made it in every sense a real church home for the young people, as well as a meeting-place for the older members.<sup>81</sup>

This parsonage was in use eleven years and then the property, including twenty feet of the east end of the church lot, was sold to the State as a site for the new medical buildings of the State University. As a result of this sale all the debts of the church were paid and another parsonage was purchased on North Linn Street.<sup>82</sup>

The Congregational Society was incorporated on March 30, 1894. The first signers were Messrs. Emlin McClain, N. H. Brainerd, Isaac Loos, Ben Price, and W. Hal Stewart.

<sup>79</sup> Mrs. Rockwood's *Reminiscences*; Stewart's *The Last Fifteen Years*, p. 2. This was a paper read by Mrs. Ida Stewart at the fortieth anniversary of the Congregational Church of Iowa City, November 26, 1906.

<sup>80</sup> Mrs. Currier's *The Church and Its Pastors*, p. 30.

<sup>81</sup> Mrs. Rockwood's *Reminiscences*; *Minutes of Congregational Society of Iowa City*, March 2, 1891.

Mrs. C. D. Close also furnished the parlor so that it was fresh and attractive for the gatherings.

<sup>82</sup> Mrs. Currier's *The Church and Its Pastors*, p. 31.

Early in Mr. Bullock's pastorate, the choir was moved down from the gallery to the back of the pulpit.

Chancellor McClain was appointed as a committee of one to secure the passage of an act by the General Assembly of Iowa, then in session in Des Moines, legalizing all the acts of the Congregational Society of Iowa City and its board of trustees acting for said society and all acts of said society since the date of its organization.<sup>83</sup>

One of the most useful organizations connected with the church was initiated and successfully launched by Mrs. Bullock. "A call was extended to the ladies of the church to meet at the parsonage to consider the advisability of organizing an association that would include all the ladies of the congregation. Nine ladies were present at this first meeting." A committee, consisting of Mrs. Bullock, Mrs. Wilcox and Mrs. Loos, was appointed to formulate a constitution and by-laws and to report one week later, at which time (October 8, 1897), the Woman's Association was organized, its object being "to organize and increase the efficiency of the women of the church and to promote its social life." This association has always been active in its efforts to supply the needs of the church, and has contributed largely to the furnishing and decorating of the church auditorium and the Sunday school room.<sup>84</sup>

When Dr. Bullock resigned in 1894, a resolution was adopted by the church, expressing appreciation of his faithful and efficient services and sorrow at his departure. Mrs. Bullock was "wise and witty and devoted". She could equally well devise a Woman's Association or tell a story.<sup>85</sup>

Rev. George L. Cady became the next pastor in 1900. It was during his tenure of office that the pipe organ was in-

<sup>83</sup> *Minutes of Congregational Society of Iowa City*, pp. 95, 96.

<sup>84</sup> Mrs. Isaac A. Loos's *A Sketch of the Women's Association of the Congregational Church of Iowa City*, p. 1.

From a manuscript prepared by Mrs. Loos and read at the fortieth anniversary of the Congregational Church of Iowa City, November 26, 1906.

<sup>85</sup> Mrs. Currier's *The Church and Its Pastors*, p. 25.

stalled. When some of the members rather doubted the advisability of this move, Mr. Cady went out and convinced the townspeople "that an organ in our church would be a community improvement". The different societies of the church had purchased a piano which was now to be sold and the proceeds used in part payment for the organ. But it was decided later that in reward for Mr. Cady's services this piano should be placed in the parsonage. When he left Iowa City the piano which had cost \$400 was sold to him for \$100 in appreciation of his efforts. The pipe organ was purchased at a cost of \$2400 and at the installation a recital was given, which was well attended by the townspeople who bought tickets to help the cause.<sup>86</sup>

Early in Mr. Cady's pastorate, the child membership idea took root. "Such membership recognizes the child as belonging to God." "It means that at [a] suitable age the child will be a member of our Bible School, and of the Children's Congregation in the morning worship of the church. It constitutes the child a member of this Church family, and assumes that the child will grow up in the church into mature Christian life and full church membership." If parents object to infant baptism, but are willing to take the vows customary on such an occasion, the names of their children are placed on the child membership roll.<sup>87</sup>

In 1905 the "Student Membership" plan was adopted. It was felt that something ought to be done to take care of the Congregational students in the State University. It was provided that "members of other churches residing in Iowa City as students in educational institutions, may, at their own request, be enrolled as student members of this Church during their residence in the city. Such members when re-

<sup>86</sup> Mrs. Rockwood's *Reminiscences*.

<sup>87</sup> *Manual of the Congregational Church, Iowa City, Iowa*, 1914, pp. 14, 15; Mrs. Currier's *The Church and Its Pastors*, pp. 31, 32.

ceived shall be enrolled on a separate roll, with the understanding that while they enter fully into church fellowship here they do not lose their membership in their own churches."<sup>88</sup>

It was during the pastorate of Rev. Horace L. Strain that the semi-centennial of Congregationalism in Iowa City, the fortieth anniversary of the present organization, and the three-hundredth anniversary of the founding of the Congregational Church at Scrooby, England, were celebrated by the Iowa City church. Upon this occasion a number of distinguished guests appeared in the pulpit. Rev. George L. Cady spoke upon "Congregationalism Fronting the Future", Rev. T. O. Douglass upon "The Greater Works of Congregationalism", and Hon. Emlin McClain upon "Looking Toward the Centennial."<sup>89</sup>

Mr. Strain suffered a long illness and finally died in 1908 at Boulder, Colorado. Rev. J. T. Jones began his ministry on the first Sunday of October, 1908. The church was somewhat discouraged at this time owing to the protracted illness of his predecessor, but the congregation soon rallied and responded nobly to his leadership. Soon after Mr. Jones began his ministry, the church "sustained a serious blow in the death of Professor Gordon, who was at the head of the Public Speaking Department in the University. He was an able and earnest worker in the church, and rendered valuable service to the congregation during Mr. Strain's illness."<sup>90</sup>

At this time the position of student assistant was occupied by Mr. Carl Kirkpatrick who served for two years. Dr. Jones says of him that "he was one of the most amiable,

<sup>88</sup> *Manual of the Congregational Church, Iowa City, Iowa, 1914*, p. 15; Mrs. Currier's *The Church and Its Pastors*, p. 32.

<sup>89</sup> Program — *Fifty Years of Congregationalism* (November 26-27, 1906).

<sup>90</sup> This quotation is from a letter written to the writer by Dr. J. T. Jones, dated July 28, 1916.

consecrated and tactful young men I have ever known, and the splendid work he did among the Congregational Students will be long remembered."<sup>91</sup>

One of the most important landmarks of this pastorate was the organization of the "Haystack League", which met every Monday evening in the church kitchen to study missions. A number of its charter members are now in foreign countries and several others have volunteered to go. All the members of the "Haystack League" are now translating the broader vision of Christian service, developed in this class, into applied Christianity in the communities in which they live.<sup>92</sup>

During the pastorate of Rev. Jones a brotherhood was organized, "which proved for a long time to be the most effective men's organization in the city." An important factor in its success was the music of the Welsh Quartet. The whole membership of the church gave the pastor magnificent backing, during a memorable campaign waged against the saloon. "It is not too much to say that the Congregational Church made a splendid contribution toward civic betterment in Iowa City."<sup>93</sup>

Furthermore, the churches of Iowa City and the University were drawn together, at this time, by a spirit of closer coöperation. "The whole attitude of the University to the Churches underwent a change about eight or nine years

<sup>91</sup> Letter from Dr. J. T. Jones to the writer, July 28, 1916.

It should be mentioned in this connection that Deacon O. H. Brainerd has rendered a most effective service among home-sick and lonesome students, who have always found in him a sympathetic friend.

<sup>92</sup> The following persons were among the organizers of the Haystack League: Dr. Floyd Smith is now in Russia, the Misses Jongewaard in India, and Mr. Lewis Mounts received his degree—Doctor of Philosophy—from the State University of Iowa (1916) and is planning to enter Hartford Theological Seminary this fall.

Mr. Jordan helped to organize the "Carey League" in the Baptist Church of Iowa City.

<sup>93</sup> Letter from Dr. J. T. Jones to the writer, July 28, 1916.



ago." Rev. Horace L. Strain and Dr. Jones of the Congregational church, and Dr. D. W. Wiley of the Presbyterian church had much to do "in bringing about these improved relations."<sup>94</sup> Arrangements were made by which a limited amount of University credit might "be given students for systematic and thorough work" done in religious studies. A number of these courses were given by pastors of the city churches. Dr. Jones gave a course on "Christian Apologetics".<sup>95</sup>

After an absence of more than four years, Dr. Jones wrote as follows:

Never shall I forget what a wrench it was to sever my relations with the Iowa City church, which still occupies a warm place in the hearts of Mrs. Jones and myself. When I left, the church was thoroughly united, peaceful and in fine working condition. I look back upon my ministry in Iowa City with devout gratitude to our Almighty Father and with warm appreciation of the support given my labors by the members of the congregation, by the members of other churches, and indeed, by the whole city.<sup>96</sup>

In the interim between this and the next pastorate a very interesting discussion was in progress. It was a plan to amalgamate the Christian and Congregational Churches of Iowa City. A committee of five was appointed by the chairman of the supply committee, Mr. A. H. Ford, to confer with a similar committee of the Christian Church.<sup>97</sup> This

<sup>94</sup> Letter from Dr. J. T. Jones to the writer, July 28, 1916.

<sup>95</sup> *Bulletin of the State University of Iowa, New Series No. 15, June 30, 1910*, pp. 3, 6.

This plan was approved by Professors Thomas H. Macbride, Carl E. Seashore, and Herbert C. Dorcas.

<sup>96</sup> Letter from Dr. J. T. Jones to the writer, July 28, 1916.

Doctor Jones came to this church from Ebensburg, Pennsylvania, where he had been pastor for nearly eleven years. He went from here to Council Bluffs, Iowa, where he is now pastor of the First Congregational Church.

<sup>97</sup> This committee consisted of Messrs. O. H. Brainerd, S. L. Close, W. F. McRoberts, P. S. Pierce and E. W. Rockwood.—*Records of "The Congregational Church of Iowa City"*, Iowa, p. 70, June 27, 1912.

committee reported in favor of church union, and a committee of three was appointed to carry out the plan.<sup>98</sup> The report of the latter committee, however, was finally placed in the hands of the church clerk and nothing ever came of it.<sup>99</sup>

Rev. Wayne L. Waters was summoned to be pastor of the church on August 11, 1912.<sup>100</sup>

The University had grown until its enrollment was now three thousand students, three hundred and fifty of whom were Congregationalists. It was felt that some more adequate provision ought to be made for the religious care of these students. Accordingly, the "Congregational Conference of Iowa" made financial provision for a "University Pastor" who came upon the field in September, 1914. The first incumbent of this newly-created office was Rev. Joseph S. Heffner, who came from a pastorate in New Jersey.

Although this work as a nation-wide movement is in its infancy, yet about one hundred men are specializing in this field of endeavor. The movement originated and has spread most rapidly in the upper Mississippi Valley. There is a reason for this. Nearly all the older colleges of the East were founded as church schools, that is, they were originally responsible to some ecclesiastical organization. Many of them were originally founded to train men for the ministry. Most of the great theological seminaries of the country are in the East. The State universities of the Middle West, on the other hand, never had such church connections and hence each church feels more and more the necessity of conserving its own interests in the great centers of learning which are under the supervision of the State.

<sup>98</sup> This committee was appointed August 8, 1912, and consisted of Messrs. A. H. Ford, S. L. Close, and O. H. Brainerd.

<sup>99</sup> This report was made on September 1, 1912.

<sup>100</sup> Rev. Waters accepted the call in a letter of August 22, 1912.

This work at Iowa City is financed by the two hundred and eighty-eight Congregational churches of the State and the "Congregational Education Society" of Boston.<sup>101</sup> Provision has been made in the "Pilgrim Fund" for a "Conference House" in Iowa City, which is to be the center of student activities.<sup>102</sup>

At the beginning of the third year of Mr. Waters's pastorate, great gloom was cast over his life and over the entire parish by the death of Mrs. Waters. The following appreciation was embodied in the records of the church:

Inasmuch as since our last meeting, one of our most faithful and best beloved members, Mrs. Wayne L. Waters, has passed beyond, we pause for a moment's thoughtful consideration of the life thus early taken from us. Not that any poor word of ours is needed to complete the impression of beauty which her character has left, but rather that we are made better by thus thinking on "whatsoever things are pure, whatsoever things are lovely." In Mrs. Waters' relations with the Missionary Society, as in all other Church work, perhaps the most impressive trait of her character was perfect willingness to serve. This cheerful readiness combined with a delicate perception of the special kind of service she was fitted to give, made her not only most useful, but most admirable in all her activities. As we reflect upon this life so sweet and calm, it is as if we had been listening to some lovely song, to which our dull ears were only half attentive and which we would fain have repeated in the lives this life has blessed. Truly, it hath been said of her, "She hath done what she could."<sup>103</sup>

Rev. Waters resigned his pastorate in June, 1915, to become pastor of the Congregational Church of Oskaloosa, Iowa.<sup>104</sup>

<sup>101</sup> *Minutes of the Congregational Conference of Iowa* (1916), pp. 92, 93.

<sup>102</sup> *Minutes of the Congregational Conference of Iowa* (1916), see last page of cover.

<sup>103</sup> *Records of "The Congregational Church of Iowa City"*, Iowa, p. 93.

This appreciation was originally prepared for the Woman's Missionary Society, but was by vote of the Church incorporated in its minutes.

<sup>104</sup> Rev. Waters's letter of resignation was dated June 3, 1915.

During the summer of 1915, the church auditorium was decorated and the whole church was completely renovated. Much credit is due the "Daughters" of the church for their heroic service in making possible this fresh and attractive interior.<sup>105</sup>

After an interim<sup>106</sup> of four months, Rev. Ira J. Houston of Mt. Vernon, Ohio, became the fourteenth pastor of this church.<sup>107</sup> The church has taken on newness of life, and the outlook is most encouraging under his leadership.

JOSEPH S. HEFFNER

IOWA CITY IOWA

<sup>105</sup> *Minutes of Congregational Society of Iowa City*, July 12, 1915, pp. 237, 238.

<sup>106</sup> On August 9th, 1915, Prof. P. S. Pierce introduced the following resolution:

"Resolved that the Board of Trustees be, and the same hereby are directed to sell at the highest price obtainable, a lot forty feet wide (more or less) and one hundred sixty feet deep from the South side of the lot on which the parsonage now stands on N Linn St, and that the proceeds from this sale be devoted to payment of accumulated indebtedness of this Church and to the improvement of the church and parsonage property. It was moved seconded and carried to adopt same, and a committee of three viz D. W. Jones, W. F. McRoberts and G. M. Gailey [were] instructed to report values of the present parsonage property, dimensions, &c"

<sup>107</sup> Rev. Ira J. Houston's letter of acceptance was dated August 14, 1915.

There are many interesting facts which could not be brought within the scope of this history. Very little has been said about the Ladies' Aid Society, the Woman's Missionary Society, the Daughters of the Church, the Brotherhood, the Priscilla Club, and the Bible School. Each one of these organizations has a history of its own.

The writer of this paper is convinced that every church, and every organization within the church, should preserve its records with the utmost accuracy, so that the historian who may chance upon them will find no gaps or errors. Every church should have a historian whose duty it should be to coördinate all the recording agencies of the church.

## SOME PUBLICATIONS

*Early Days at Council Bluffs.* By CHARLES H. BABBITT. Washington, D. C.: Press of Byron S. Adams. 1916. Pp. 96. Plates, maps. This volume is a contribution not only to the history of Iowa but to the history of the westward movement, since Council Bluffs was the halting place and outfitting point for practically all the trekkers who went across Iowa on their way to California, Oregon, and other sections of the Far West. For this reason it was in many respects the most widely known town in Iowa in the early days.

The author of the book lived in Council Bluffs from 1853 to 1874 and for the past forty years has been the contributor of numerous newspaper articles of a reminiscent character, dealing with the history of the city and vicinity. Discovering, however, that his memory, like that of other pioneers, was not always to be trusted, and being interested also in the early period before his own arrival upon the scene, he determined to write an account based on authentic documentary sources. The present work is the result of that determination and represents the fruits of extensive research.

The book is divided into six chapters, the first of which tells of early days at Council Bluffs from the time of the arrival of the Pottawattamies down to about 1857. The activities of the Mormons receive considerable attention in this chapter. The Pottawattamie Indians form the subject of discussion in the second chapter; while the old blockhouse and Fort Croghan receive treatment in the third and fourth chapters. Then follows a chapter entirely devoted to the Mormons, and in conclusion there is a brief account of the organization of Pottawattamie County. It is to be noted that the author disclaims any intention "to present a commercial and personal history of early days at Council Bluffs". Thus, while it is doubtless true that much of interest and value has been purposely omitted, Mr. Babbitt is entitled to the gratitude of students of Iowa

and western history for bringing together data much of which has been inaccessible to the average reader and some of which has never before been published. The lack of an index is to be regretted.

*The Journals of Captain Meriwether Lewis and Sergeant John Ordway.* Edited with introduction and notes by MILO M. QUAIFFÉ. Madison: The State Historical Society of Wisconsin. 1916. Pp. 444. Plates, maps. It is perhaps not too much to say that no publication of the State Historical Society of Wisconsin possesses a wider interest than this book which is volume twenty-two of the *Collections*. In a historical introduction of about fifteen pages the editor discusses the plans for western exploration before the Lewis and Clark Expedition, and the activities of Jean Baptiste Trudeau, James Mackay, and John Evans along this line in behalf of the Commercial Company for the Discovery of the Nations of the Upper Missouri. He also describes the discovery of the journals which occupy the remainder of the volume.

First comes the valuable journal of Lewis telling of the trip down the Ohio and up the Mississippi, from Pittsburgh to River Dubois, from August 30 to December 12, 1803 — a journal the existence of which was only recently discovered. Thus for the first time we now have in print a detailed and practically complete account of this preliminary portion of the journey written by one of the leaders. This journal occupies about forty-five pages. The remainder of the volume is taken up with Sergeant John Ordway's long-lost journal. While Ordway's account may add little of real importance to the store of knowledge concerning the expedition, it is rich in incidents and descriptions, and it is the only "complete daily record of the expedition from start to finish written by one man." An excellent index completes the volume.

*Sacred Bundles of the Sac and Fox Indians.* By M. R. HARRINGTON. Philadelphia: Philadelphia University Museum. 1914. Pp. 262. Plates. This monograph constitutes the second number of volume four of the University of Pennsylvania Anthropological Publications and is based upon information and materials collected by an expedition sent out to various Indian tribes by Mr. George G. Heye. It was the purpose of this expedition to study the magic

objects, sacred bundles, and other similar fetishes and charms in use among these Indians but Mr. Harrington has limited his volume to a description of the use of such objects of veneration among the Sacs and Foxes of Oklahoma, Kansas, and Tama, Iowa.

The writer divides these sacred bundles into three classes: clan, war, and medicine or charm bundles, according to the purposes for which they were supposed to be powerful. Covered with dry buckskin and composed of a variety of objects such as pieces of bird or animal skins, paint, herbs, and the horns or tails of buffaloes, these bundles bear testimony to the faith of the red man that he would in some mysterious way acquire the characteristics of the animals represented in his bundle. None of the clan bundles could be secured for they are still in use but a number of the war and medicine bundles were purchased and the objects contained in them are enumerated and illustrated by numerous drawings and pictures. The Sacs and Foxes at Tama, Iowa, are more primitive than the others, according to the writer of this volume and a number of myths concerning them are included.

Students of Indian life will be interested in the religious customs of the Indians and in the psychology which underlies many of their institutions and beliefs. Perhaps, too, it will be somewhat of a surprise to many people, that within the borders of highly civilized and Christian Iowa there are nearly four hundred persons who cling to their belief in their own gods and still cherish their sacred bundles.

*The Life of Father De Smet, S. J. (1801-1873).* By E. LAVEILLE, S. J. New York: P. J. Kenedy & Sons. 1915. Pp. xxii, 400. Portraits, plates, map. It is safe to say that no other missionary of any church among the native tribes along the Missouri River and its tributaries was so widely known or exerted such a remarkable influence over the Indians as the Jesuit priest, Father Peter J. De Smet. On many occasions the government profited greatly by his services in pacifying hostile tribes; and his entire life in the West was one of unceasing labor in the best interest of the red man.

Since the publication of Chittenden and Richardson's four-vol-

ume, documentary work ten years ago the research student had abundant opportunity to study the career of this pioneer priest but the present volume offers the first adequate biography suited to the demands of the general reader. The translation by Maria Lindsay is executed in a very readable style. Naturally, the book is written from the standpoint of the church and the chief emphasis is placed on Father De Smet's religious activities.

Iowans will find particular interest in chapter five which deals with De Smet's experiences during the year 1838-1839 at the Pe-tawattamie mission on the site of the present city of Council Bluffs. Toward the close of the volume (p. 341) there is an account of his journey overland from Chicago to Sioux City in 1867.

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A supplement to the *Political Science Quarterly* for September contains a *Record of Political Events* from November 7, 1915, to July 31, 1916, compiled by Edward M. Sait and Parker T. Moo.

Among other things the October number of the *Journal of the United States Cavalry Association* contains a first-hand account of *The Punitive Expedition from Boquillas*, by Stuart W. Cramer, Jr.

Volume nineteen, part one, of the *Anthropological Papers of the American Museum of Natural History* consists of a study of *The Whale House of the Chilkat*, by George T. Emmons.

Victor S. Clark is the author of a *History of Manufactures in the United States, 1607-1860*, which has been published by the Carnegie Institution of Washington.

The July-September number of *The American Indian Magazine* contains the proceedings and addresses of the sixth annual conference of the Society of American Indians, held in Cedar Rapids in September, 1916.

Three lectures on *The Purpose of History*, by Frederick J. Woodbridge, have been brought out in book form by the Columbia University Press. From history to philosophy, the pluralism of history and the continuity of history are the subjects discussed.



The proceedings of *The W J McGee Memorial Meeting* held by the Washington Academy of Sciences at the Carnegie Institution in Washington in December, 1913, have recently been published in pamphlet form. Honorable Horace M. Towner represented The State Historical Society of Iowa on that occasion.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* consists of a monograph on *State Administration in Maryland*, by John L. Donaldson. The five chapters deal with public education, public health, charities and corrections, finance, and general economic welfare.

Among the articles in *The South Atlantic Quarterly* for October are the following: *The Coming of the Budget System*, by Charles Wallace Collins; *The Teacher of Jefferson and Marshall*, by Dice Robins Anderson; and *The Louisiana Police Jury*, by Milledge L. Bonham, Jr.

Florence M. Poast is the writer of a small volume of *Indian Names, Facts and Games for Camp Fire Girls*, published by the author in Washington, D. C.

The July number of the *Smith College Studies in History* contains two contributions, namely: *Women's Suffrage in New Jersey 1790-1807*, by Edward Raymond Turner; and *The Cherokee Negotiations of 1822-1823*, by Annie Heloise Abel.

*Bulletin 133* issued by the Federal Census Bureau contains *Estimates of the Population of the United States* for the years from 1910 to 1916, inclusive, together with the results of the State enumerations made in 1915.

The National City Bank of New York has published an address entitled *Business after the War*, delivered by George Evan Roberts before the Michigan Bankers' Association in June.

An article on *The War Power and the Government of Military Forces*, by George Melling, is published in two installments in the July and September numbers of the *Journal of Criminal Law and Criminology*.

Health insurance is the central topic of discussion in the June number of *The American Labor Legislation Review*. Besides four articles dealing with various phases of the subject, there will be found a *Brief for Health Insurance* and a tentative draft of an act.

*A History of the New York Public Library*, written by Harry Miller Lydenberg, is begun in the July issue of the *Bulletin of the New York Public Library* and continued in succeeding numbers.

*History Bulletin 9* published by the New York State Library consists of volume two of the *Early Records of the City and County of Albany and Colony of Rensselaerswyck*, translated from the original Dutch by Jonathan Pearson and revised and edited by A. J. F. Van Laer.

Dr. Knut Gjerset, a professor in Luther College at Decorah, Iowa, is the author of a two-volume *History of the Norwegian People* which has been published by the Macmillan Company.

Two large volumes containing the *Report of the Commission to Locate the Site of the Frontier Forts of Pennsylvania*, edited by Thomas Lynch Montgomery, embrace materials of much historical interest and value.

*The Origin of Totemism*, by Franz Boas; *Sociological Terminology in Ethnology*, by A. A. Goldenweiser; *Certain Pre-Columbian Notices of American Aborigines*, by William H. Babcock; and *Suggestions for Cataloguing of Anthropological Material*, by Bruno Oettking, are among the contributions in the July-September number of the *American Anthropologist*.

Among the articles in *The Journal of Negro History* for July are the following: *Colored Freeman as Slave Owners in Virginia*, by John H. Russell; *Lorenzo Dow*, by Benjamin Brawley; and *The Attitude of the Free Negro Toward African Colonization*, by Louis R. Mehlinger. Two articles in the October number are: *People of Color in Louisiana*, by Alice Dunbar-Nelson; and *The Defeat of the Secessionist in Kentucky in 1861*, by Wm. T. McKinney.

*Americanizing the Immigrant*, by Henry Pratt Fairchild; and *Liberty and Discipline*, by A. Lawrence Lowell, are among the articles which appear in the July number of *The Yale Review*.

The January, April, and July, 1916, numbers of the *Bulletin of the Virginia State Library* are combined in one number containing a valuable compilation of data concerning *Virginia Counties: Those Resulting from Virginia Legislation*, by Morgan P. Robinson. The October number of the *Bulletin* contains a list of *French Newspapers of 1848-50 in the Virginia State Library*, by Earl G. Swem.

Two articles in *The Military Historian and Economist* for October are: *Conscription in the Confederate States of America, 1862-1865*, by R. P. Brooks; and *The Proof of the Monroe Doctrine*, by B. H. Richard.

Longmans, Green and Company have brought out a book of *Readings in the Economic History of the United States*, compiled by Ernest L. Bogart and Charles M. Thompson. Students of western history will be especially interested in chapters eleven, twelve, fourteen, eighteen and nineteen, dealing with the westward movement, inland commerce and internal improvements, and the public lands and agriculture.

An *Index of the Rolls of Honor (Ancestor's Index)* in the lineage books of the National Society of the Daughters of the American Revolution is a volume of over four hundred pages, which should prove of value to persons interested in genealogical research, whether members of the Daughters of the American Revolution or not.

*The Water Barriers of New York City*, by Ellsworth Huntington; *Some Geographic Problems Incident to the Growth of New York City*, by E. P. Goodrich; and *The Population of New York State*, by Albert P. Brigham, are articles in *The Geographical Review* for September. Among other things there is a description of *The Museum of the American Indian, Heye Foundation*, by George H. Pepper.

The November number of *The Annals of the American Academy of Political and Social Science* is devoted to the subject of *America's Changing Investment Market*. The numerous articles are grouped under the following topics: international investments before the European war, the influence of the European war, capital needs of the near future, and the United States in the investment market.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* consists of a monograph on *The Control of Strikes in American Trade Unions*, by George Milton Jones. The eight chapters deal with the development of control, control by national deputy, arbitration and control, the initiation of strikes, the independent strike, the management of strikes, strike benefits, and the termination of strikes.

*Proportional Representation*, by John H. Humphreys; *Some Recent Uses of the Recall*, by F. Stuart Fitzpatrick; *Recent City Plan Reports*, by Charles Mulford Robinson; *Progress of the Civic and Social Survey Idea*, by Murray Gross; *Recent Progress in Municipal Budgets and Accounts*, by C. E. Rightor; *The Liquor Question and Municipal Reform*, by George C. Sikes; and *Municipal Fire Insurance in Great Britain and the United States*, by Ralph H. Blanchard, are among the articles in the July number of the *National Municipal Review*.

*Rome's Fall Reconsidered*, by Vladimir G. Simkhovitch; *Capital and Monopoly*, by O. W. Knauth; *The Control of Return on Public Utility Investments*, by John Bauer; *Agreement in the Federal Convention*, by R. L. Schuyler; and *Political Thought of Social Classes*, by William F. Ogburn and Delvin Peterson, are articles in the June number of the *Political Science Quarterly*. The following articles appear in the September number: *The Career of Mr. Asquith*, by Wallace Notestein; *The Russian Offer of Mediation in the War of 1812*, by F. A. Golder; *The Cream of Wheat Case*, by Sumner H. Slichter; *The Allowance for Working Capital in a Rate Case*, by John Bauer; and *The Reconstruction of the British Empire*, by R. L. Schuyler.

A two-volume work on the *History of Domestic and Foreign Commerce of the United States* was published by the Carnegie Institution of Washington in 1915. The authors are Emory R. Johnson, T. W. Van Metre, G. G. Huebner, and D. S. Hanchett. Especially interesting from the standpoint of western history is part two of volume one, dealing with the internal commerce of the United States. Attention should also be called to two chapters in the second volume which have to do with the fisheries of the Great Lakes and the Mississippi River system, and the improvement of rivers and harbors.

Among the articles in *The Quarterly Journal of Economics* for August are the following: *The Federal Reserve Banking System in Operation*, by O. M. W. Sprague; *The Theory of Differential Rates*, by G. P. Watkins; *Fire Insurance Rates: Problems of Cooperation, Classification, Regulation*, by Robert Riegel; and *Growth of Labor Organizations in the United States, 1897-1914*, by George E. Barnett.

*The World's Need of International Government* is the title of an article by Frank Allaben which occupies the opening pages of *The Journal of American History* for July. Heman C. Smith is the writer of a short sketch of the *History of the Church of Jesus Christ of Latter Day Saints*. Here also may be found addresses by Robert Lansing, John Barrett, and others, delivered before the Second Pan-American Scientific Congress.

*The British Empire and Closer Union*, by Theodore H. Boggs; *The Frequency and Duration of Parliaments*, by James G. Randall; *Need for a more Democratic Procedure of Amending the Constitution*, by Seba Eldridge; *The Judicial Veto and Political Democracy*, by Blaine F. Moore; *Amending Procedure of the Federal Constitution*, by Jacob Tanager; and *The Operation of the Direct Primary in Michigan*, by Arthur C. Millsbaugh, are articles which appear in the November number of *The American Political Science Review*. The department of *Legislative Notes and News*, conducted by John A. Lapp, contains notes on such subjects as legislative sessions in 1916, State administration and

budgets, legislative investigations, highway administration and State aid, federal grants in aid of various enterprises, and the amendment of statutes. A useful digest of decisions of American courts on points of public law is compiled by John T. Fitzpatrick.

D. C. Heath and Company are the publishers of *The Story of Agriculture in the United States*, a book of nearly four hundred pages by Albert H. Sanford, intended "primarily for boys and girls who live on farms". Some idea of the contents of the book may be gained from the following list of the titles of the various chapters: the Indians as farmers, the first farmers of Virginia, the beginning of agriculture in New England, the middle colonies and the Carolinas, some general features of colonial agriculture, the back country, George Washington as a farmer, first improvements in agriculture, pioneer farmers of the West, the rise of cotton, the story of the plow, when reapers were new, prairie agriculture, agriculture in the new possessions, the cotton kingdom, agriculture and the Civil War, the westward march of wheat, hard times for farmers, range and ranch, the age of machinery, animal husbandry and dairying, the new era of scientific agriculture, the Department of Agriculture, the new South, irrigation and dry farming, rural life, and prosperity and problems. The book is well illustrated by suitable cuts and maps, and it is written in a simple, readable style.

#### WESTERN AMERICANA

A monograph on *Aboriginal Sites on the Tennessee River*, by Clarence B. Moore, is published in volume sixteen of the *Journal of the Academy of Natural Sciences* in Philadelphia.

*Lest We Forget—Annie Wittenmyer, First President of the National Woman's Christian Temperance Union* is an address written and published by Lucy Shelton Stewart, of Evanston, Illinois, which is of much interest to Iowans. Mrs. Wittenmyer, it will be remembered, lived at Keokuk and was one of the leaders in the work of relief among the sick and wounded soldiers during the Civil War.

Two reprints from the *Washington University Studies* for April and October, 1916, respectively, are *The Ante-bellum Attitude of South Carolina Towards Manufacturing and Agriculture and Sectionalism, Representation, and the Electoral Question in Ante-bellum South Carolina*, both by Chauncey S. Boucher.

A brief history of *The Western Pacific Railroad*, by Warren Olney, Jr.; and a discussion of *The Influence of Missions on Present-day California*, by Mary P. Carroll, are two papers in the October issue of *The University of California Chronicle*.

The June, 1916, number of *The Tepee Book*, published at Sheridan, Wyoming, is a *Custer Battle Number* containing accounts of that battle by survivors and others, both white men and Indians, together with numerous illustrations.

The *Bulletin of the Indiana State Library* for September contains a study of the *Sources of Population in Indiana, 1816-1850*, by Joseph E. Layton; a bibliography of county histories; and a list of land office reports relating to Indiana. In the December number there is a very useful list of Indiana newspapers available in the Indiana State Library, the Indianapolis Public Library, the Library of Indiana University, and the Library of Congress.

*Old Santa Fe* for October opens with an account of *Castano de Sosa's Expedition to New Mexico in 1590*, by Dorothy Hull. Under the heading of *The Pueblo Revolt of 1696* are some extracts from the journal of General Don Diego de Vargas, translated and edited with introduction and notes by Ralph Emerson Twitchell. The closing contribution is a brief biography of *William Hayes Pope, the First Federal Judge of the District of New Mexico*, by Paul A. F. Walter.

Volume four, part two, of the *University of California Publications in History* consists of a monograph on *The Reorganization of Spain by Augustus*, by John J. Van Nostrand, Jr. Number three of this same volume contains an essay of nearly one hundred and forty pages by Frederick J. Teggart, entitled *Prolegomena to History: the Relation of History to Literature, Philosophy,*

*and Science*, which is of great interest to all students and writers of history. After a brief introduction the writer discusses the method of science, historical investigation and historiography, history and philosophy, and history and evolution. There is also a bibliographical appendix.

*Party Organization and Campaign Methods in New England in the Jeffersonian Era*, by William A. Robinson, is a monograph in the April, 1916, number of the *Washington University Studies*. Especially interesting is a study of *A Century and a Half of Fur Trade at St. Louis*, by Isaac Lippincott. Students of Iowa history will find in this article much data of value concerning the fur trade in the Iowa country. The account of the revival of the fur trade in recent years is also of particular interest.

An autobiographical account of *President Sprague's Administration of the University of North Dakota*, by Homer B. Sprague, occupies the opening pages of *The Quarterly Journal of the University of North Dakota* for October. Other articles are: *Vocational Training*, by Calvin H. Crouch; *Some Reasons why North Dakota Should Adopt the Uniform Sales Act*, by Lauriz Vold; and *Law Reform in North Dakota*, by Joseph L. Lewinsohn.

The University of Chicago Press has published in pamphlet form an address on *The Convention that Nominated Lincoln*, delivered before the Chicago Historical Society on May 18, 1916, by P. Orman Ray. "In preparing this lecture," says Dr. Ray, "I have tried largely to forget what is contained in the accounts of this convention appearing in the standard histories, and have tried to present a story of the convention based almost wholly upon the official record and upon material gleaned from the Chicago newspapers, which so far as I am aware have not been used by the authors of the histories just mentioned." The result is a vivid and very readable paper. Iowans will be interested in the reference to the speech made at the dedication of the "Wigwam" in Chicago by John Johns, a delegate-at-large from Iowa, who, it is said, had walked one hundred and fifty miles to reach a railroad and be in attendance at the convention.



*The Ohio-Michigan Boundary* is the title of a book of over one hundred pages, which constitutes volume one of the final report of a coöperative topographic survey of the boundary indicated, compiled by C. E. Sherman. Besides the report of the commissioners and the report of the engineer, there are many excellent maps. Furthermore, part three, occupying about half of the volume, is devoted to a history of the Ohio-Michigan boundary dispute, discussed in two scholarly papers, namely: *Basis of the Ohio-Michigan Boundary Dispute*, by Arthur M. Schleisinger; and *The Controversy over the Ohio-Michigan Boundary*, by Anna May Soule. Students of Iowa history will find these papers of particular interest because of the part played in the boundary dispute by Robert Lucas, then Governor of Ohio and later the first Governor of the Territory of Iowa.

Thomas Wakefield Goodspeed is the author of *A History of the University of Chicago: The First Quarter-Century*, which is a volume of over five hundred pages recently published by the University of Chicago Press. The preparing of the way, the inception of the plan, the beginning of the movement, the first president, the educational plan, first steps in expansion, students and faculty, the earlier buildings, the first year, the University and its benefactors, the second era of buildings, further expansion, a third period of building, some important departments, some important events, the later buildings of the first quarter-century, and the developing University are the titles of the seventeen chapters of the book. There are numerous illustrations and portraits. Iowans will be interested in the statement (pp. 18, 19) concerning the brief administration of Alonzo Abernethy as president of the old University in the late seventies.

Frances Milton J. Morehouse is the author of a scholarly and well-written monograph on *The Life of Jesse W. Fell*, which appears as volume five, number two of the *University of Illinois Studies in the Social Sciences*. As a business man, lawyer, journalist, friend of education, and politician Jesse W. Fell always played an effective part in the life of his community—namely, Bloomington, Illinois—as well as in State affairs, although his

great modesty prevented him from appearing often in the spotlight of public notice. Perhaps he was most widely known for his passion for the planting of trees. In this connection, it is interesting to note that in 1869, as the representative of a group of Bloomington men, he selected and purchased a tract of about forty sections of beautiful prairie land in Lyon County, Iowa. During the succeeding few years as many as two hundred and fifty thousand trees were set out on this tract, the work being largely superintended by Mr. Fell himself. It was this company which laid out the town of Larchwood in Lyon County.

## IOWANA

An address on *The Land Grant College and Preparation for Peace*, by President Raymond A. Pearson, is printed in *The Alumnus of Iowa State College* for December.

In the November issue of *The Grinnell Review* there is an article by James L. Hill entitled *Pre-historic College Days: Lost Facts of History*. The December number is devoted to articles on all phases of the athletic history of Grinnell College.

*Masonic Temperance Legislation* is an article of current interest in the November number of *The American Freemason*. Antonio Lopez de Santa Anna is the author of an article on *Masonic High Lights of the Struggle for Mexican Independence* which appears in the October number.

*Advantages under Farm Loan Banks*, by John A. Cavanagh; and *Banking Legislation Analyzed*, by James K. Lynch, are two articles in *The Northwestern Banker* for October. George T. McCandless presents *Some Views on Politics and Banking* in the November issue.

A book entitled *Iowa Troops in Mexican Border Service 1916-1917* has been compiled and published by Dick Dreyer of Iowa City. The book contains photographs of all the officers and companies, cuts showing views of the camps on the border, and brief accounts of the history of every Iowa company.

A new Iowa publication, launched in September, 1916, is *The Corn Belt Publisher*, published at Denison as the official organ of the Iowa Press Association.

*Bulletin No. 19*, published in 1916 by the Federal Bureau of Education contains the report of the survey of the *State Higher Educational Institutions of Iowa*, made under the direction of the Commissioner of Education.

*Through a Century of Wonders* is the subject of an article by Lorenzo D. Van Doran, discussing the life of Wa-be-ne-gew-wes an aged Chippewa chief, which appears in the November number of *Autumn Leaves*. In the December issue Joseph E. Freeman is the writer of an article on *A Century of Sugar Refining in the United States*.

The July-September number of the *Iowa Library Quarterly* contains a paper on *Literary Iowa*, by Johnson Brigham. In the October-December issue there is an article entitled *A Cycle of Stories on Iowa History*, by Grace Shellenberger, which is very useful to teachers, children's librarians, and others interested in teaching the local history of Iowa to children.

A brief sketch of the career of Walter A. Jessup, the new President of the State University of Iowa, appears in the October number of *The Iowa Alumnus*. The opening article in the November issue is one entitled *Dean William Craig Wilcox: An Appreciation*, by W. R. Boyd. Sketches of the life of the late Arthur G. Smith appear in the December number, where there is also a digest of the *Report of the Education Survey* conducted under the auspices of the United States Bureau of Education, at the request of the Iowa State Board of Education.

Under the title *On the Campus*, the Torch Press of Cedar Rapids has brought out a book of addresses delivered at various times, before university and college audiences, by Thomas H. Macbride. The book will meet with a hearty welcome from the host of admirers and former students of the author. Many of the addresses likewise contain material of historical value and interest.

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The November number of *American Municipalities* contains the minutes of the nineteenth annual meeting of the League of Iowa Municipalities held at Dubuque in September, 1916. There is also a paper on *State Legislation*, by J. D. Glasgow. In the December number, among other things, there are the following articles: *Municipal Home Rule*, by J. R. Hanna; and *Advantages of Serial Bonds*, by Thomas N. Dysart.

The October number of the *Journal of History*, published at Lamoni, Iowa, by the Reorganized Church of Jesus Christ of Latter Day Saints, is filled with interesting articles. *The Late General Conference* is discussed by Heman C. Smith. An entertaining account of *The Great Handcart Train from Iowa City to Salt Lake City* is written by Frederick Hansen. Some *Reminiscences* are presented by Vida E. Smith. *A Visit to Nauvoo in 1856* is described by Edmund C. Briggs. There is also a continuation of the *Autobiography of Levi L. Wight*, as well as additional installments of other materials begun in previous issues.

Volume twenty-five of the *Iowa Geological Survey* contains the annual report for 1914 with accompanying papers, among which are two which possess considerable interest from the standpoint of Iowa history, namely: *The Pleistocene History of Iowa River Valley North and West of Iowa City in Johnson County*, by M. M. Leighton; and *Physicial Features and Geologic History of Des Moines Valley*, by James H. Lees.

*The Educational Digest* is the title of a new Iowa periodical published at Anamosa, the first number of which appeared in September, 1916. "A Journal for the school board, superintendent, principals and teachers" is the sub-title which explains the character and purpose of the magazine. Mr. C. T. Benson is the managing editor. Among the articles in the first number is one by Charles H. Meyerholz entitled *Some Ways of Making Civics Training Bear Directly for Good on Local Community Conditions*. In the October number may be found some extracts from Mrs. Shambaugh's volume on *Amana: The Community of True Inspiration*. Two articles in the December number are: *The Pub-*

*lic Health Movement*, by Ellen B. Brogue; and *Writing "Iowa—Beautiful Land"*, by Tacitus Hussey.

*The Criminal from the Prison Viewpoint*, by James C. Sanders; *The Lawyer in the Struggle for Democracy*, by Charles Pergler; and *The Jury and how to Improve It*, by Charles M. Dutcher, are papers in the *Proceedings of the Twenty-second Annual Session of the Iowa State Bar Association*, edited by H. C. Horack. Some *Reminiscences* are presented by J. W. Willett. There are also brief biographical sketches of the following members of the Association who died during the preceding year: Samuel R. Allen, G. W. Alexander, George W. Ball, Stephen P. Bawden, Russell A. Baxter, Rice H. Bell, Benjamin P. Birdsall, W. E. Blake, A. N. Boeye, Centenary B. Bradshaw, Timothy C. Clary, William Edwin Crum, John Deery, O. N. Downs, Thomas J. Fitzpatrick, Louis T. Genung, Charles T. Granger, Frank J. Horack, Emory S. Huston, Will E. Johnston, John J. Kellogg, James N. Prouty, Wiley S. Rankin, Neal W. Rowell, James H. Shields, Oliver Perry Shiras, Craig L. Wright, and Ezra Willard.

## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ashbaugh, Ernest J.,

*The Arithmetical Skill of Iowa School Children* (University of Iowa Extension Bulletin, November 1, 1916).

Babbitt, Charles H.,

*Early Days at Council Bluffs*. Washington D. C.: Press of Byron S. Adams. 1916.

Beal, Foster Ellenborough Lascelles,

*Common Birds of Southeastern United States in Relation to Agriculture*. Washington: Government Printing Office. 1916.

Betts, George Herbert,

*The Mind and Its Education* (Revised edition). New York: D. Appleton & Co. 1916.

Clark, Dan Elbert,

*Historical Activities in the Trans-Mississippi Northwest*,

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1915-1916 (Mississippi Valley Historical Review, December, 1916).

Dale, Robert Burdette,

*Drawing for Builders*. New York: John Wiley & Sons. 1916.

Downey, E. H.,

*The Organization of Workmen's Compensation Insurance* (Journal of Political Economy, December, 1916).

Ficke, Arthur Davison,

*Modern Tendencies in Poetry* (North American Review, September, 1916); *Sword of the Samurai* (Current Opinion, October, 1916).

Fitch, George,

*The Twenty-four: Where I Took Them and What They Did to Me*. Boston: Little, Brown & Co. 1916.

Garland, Hamlin,

*Lure of the Bugle* (Current Opinion, September, 1916).

Gillette, Halbert Powers,

*Handbook of Rock Excavation, Methods and Cost* (Second and enlarged edition). New York: Clark Book Co. 1916.

Glaspell, Susan,

*Trifles*. New York: F. Shay. 1916.

Griffith, Helen Sherman,

*Letty's Springtime*. Philadelphia: Penn Publishing Co. 1916.

Hillis, Newell Dwight,

*The Story of Phaedrus*. New York: The Macmillan Co. 1916.

Horack, H. Claude (Editor),

*Proceedings of the Twenty-second Annual Session of the Iowa State Bar Association*. Iowa City: Iowa State Bar Association. 1916.

*The Dangerous Instrument Doctrine* (Yale Law Review, January, 1917).

Hughes, Rupert,

*With the Guard to the Border* (Collier's, August 26, 1916).

- Hutchinson, Woods,  
*Who Said Rheumatism?* (Good Housekeeping, August, 1916); *Strength of our Ears* (Good Housekeeping, September, 1916).
- Jessup, Walter A. (Joint author),  
*Supervision of Arithmetic*. New York: The Macmillan Co. 1916.
- King, Irving,  
*Improvement in Handwriting* (Educational Administration and Supervision, October, 1916); *A Tentative Standardization of Certain "Opposite Tests"* (Journal of Educational Psychology, October, 1916); *Recent Developments of Scientific Method in the Field of Education* (Educational Administration and Supervision, November, 1916); *A Comparison of Slow and Rapid Readers* (School and Society November 25, 1916).
- Knipe, Alden A. and Emily B.,  
*Polly Trotter, Patriot*. New York: The Macmillan Co. 1916.
- Murphy, Edmund Stephen,  
*The Blessed Virgin's Book*. Des Moines: Published by the author. 1916.
- Norton, Roy,  
*The Unknown Mr. Kent*. New York: George H. Doran Co. 1916.
- Nutting, Charles Cleveland,  
*Remarkable Auroral Display*. (Science, October 6, 1916).
- Parrish, Randall,  
*"Contraband": A Romance of the North Atlantic*. Chicago: A. C. McClurg & Co. 1916.
- Quaife, Milo M. (Editor),  
*The Journals of Captain Meriwether Lewis and Sergeant John Ordway*. Madison: The State Historical Society of Wisconsin. 1916.
- Quick, John Herbert,  
*Can any State beat Iowa?* (American Magazine, July, 1916).
- Richardson, Anna Steese,  
*New Faces for Old* (McClure's Magazine, September, 1916);  
*Outside the Law* (McClure's Magazine, October, 1916).

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Roberts, George Evan,

*America's Ability to Make Foreign Investments* (Annals of the American Academy of Political and Social Science, November, 1916).

Ross, Edward Alsworth,

*Organization of Will* (American Journal of Sociology, September, 1916).

Sabin, Edwin Legrand,

*With Sam Houston in Texas*. Philadelphia: J. B. Lippincott Co. 1916.

*The Boy Settler; or, Terry in the New West*. New York: Thomas Y. Crowell Co. 1916.

Seerley, Homer Horatio,

*National Aid to Vocational Education* (School and Society, August 12, 1916).

Stapp, Emilie Blackmore,

*Little Billy Bowlegs*. New York: George H. Doran Co. 1916.

Steiner, Edward Alfred,

*Nationalizing America*. New York and Chicago: Fleming H. Revell. 1916.

*Face of the Nation* (Survey, November 4, 1916).

Stevenson, Russell A.,

*Principles of Accounting*. (Joint author.) Ann Arbor, Michigan: The Ann Arbor Press. 1916.

*Municipal Accounting* (University of Iowa Extension Bulletin, October 1, 1916).

Stiles, Edward H.

*Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa*. Des Moines: Homestead Publishing Co. 1916.

### SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

#### *The Des Moines Register and Leader*

William Rouse Bought Land in Des Moines for Twenty Dollars an Acre, October 1, 1916.

Sixtieth Anniversary of Founding of Younker Brothers' Store, October 1, 1916.



- Steaming down the Mississippi in the Days of Long Ago, October 1, 1916.
- Sketch of the life of Dean W. C. Wilcox, October 6, 1916.
- Sketch of the life of Mrs. Anna Ankeny, October 8, 1916.
- An Estimate of Herbert C. Hoover, October 15, 1916.
- Meredith — A Story of Real Success, October 15, 1916.
- Career of James J. Doty, October 15, 1916.
- Creative Artists in Iowa, October 29, 1916, and following Sunday issues.
- Oldest Log Cabin in Des Moines Home of Mrs. S. Stutsman, October 29, 1916.
- The Winnebago Indians in Northeast Iowa, by E. E. Fallows, November 26, 1916.
- Career of Governor George W. Clarke, December 17, 1916.
- Senator James H. Wilson's Old Home Visited by Alex Miller, December 24, 1916.
- Tacitus Hussey Recalls Early Christmas in Des Moines, December 24, 1916.

*Miscellaneous*

- Fortieth Anniversary Celebration at Elk Grove Church, in the *Kensett News*, October 5, 1916.
- History of the Mormon Trail, in the *Council Bluffs Nonpareil*, October 8, 1916.
- Sketch of the life of Daniel H. Morrison, in the *Oakland Acorn*, October 11, 1916.
- Sketch of the life of Mary E. Conaway, in the *Brooklyn Chronicle*, October 12, 1916.
- Sketch of the life of Eli C. Perkins, in the *Hopkinton Leader*, October 12, 1916.
- Sketch of the life of Daniel Kerr, in the *Grundy Center Democrat*, October 12, 1916.
- Gathering of Pioneers at Maquoketa, in the *Maquoketa Sentinel*, October 18, 1916.
- Some Notes of Pioneer Days, in the *Anamosa Eureka*, October 19, 1916.
- Yunker Brothers — Sixty Years in Business in Iowa, in the *Des Moines Plain Talk*, October 19, 1916.

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Early Iowa History Recalled, in the *Des Moines Tribune*, October 20, 1916.

The Grimes Centenary, in the *Burlington Hawk-Eye*, October 20, 1916.

Steamboats and Steamboatmen of the Upper Mississippi, by George B. Merrick, running in the *Burlington Post*.

Sketches of the lives of Mr. and Mrs. D. J. Palmer, in the *Washington Press*, October 25, 1916.

Sketch of the life of S. M. Clark, in the *Keosauqua Republican*, October 26, 1916.

The Blizzard of 1880, in the *Mapleton Press*, November 2, 1916.

The Frontier Sketches, running in the *Burlington Post*.

The Old Boats, in the *Burlington Post*, November 4, December 16, 1916.

The High Cost of Living in 1857, in the *Swea City Herald*, November 9, 1916.

Sketch of the life of William Riddle, in the *Des Moines Plain Talk*, November 9, 1916.

Early Indian History of Iowa, by Edgar R. Harlan, in the *Des Moines Capital*, November 10, 1916.

Old Settlers of Jasper County, in the *Kellogg Enterprise*, November 10, 1916.

Sketch of the life of W. W. Witmer, in the *Des Moines Capital*, November 11, 1916.

Indian Settlement Gave Rise to Name "Des Moines" Adopted by the French, in the *Des Moines Capital*, November 13, 1916.

Pioneer History of Floyd County, running in the *Lithograph City Enterprise*.

Recollections of Pioneer Days, by W. H. H. Barker, in the *Knoxville Express*, November 15, 22, 1916.

A Log School-house Eighty Years Ago, in the *Des Moines Plain Talk*, November 16, 1916.

Frank O. Lowden — From an Iowa Prairie Cabin to the Governor's Mansion at Springfield, in the *Waverly Independent*, November 16, 1916.

Pioneer Days in Clarinda and Vicinity, in the *Clarinda Journal*, November 16, 1916.

- Sketch of the life of Edward O. Plumbe, in the *Rock Valley Bee*, November 17, 1916.
- Pioneer Days Recalled, by Frank Wortman, in the *Kimballton Record*, November 17, 1916.
- Sketch of the life of James F. O'Brien, in the *Waterloo Courier*, November 22, 1916.
- Sketch of the life of James H. Wilson, in the *Des Moines Plain Talk*, November 23, 1916.
- History of Thanksgiving Day, in the *Prescott Argus*, November 24, 1916.
- First Monument Erected to Soldiers of Civil War, in the *Dubuque Telegraph-Herald*, November 26, 1916.
- Early History of Jefferson County and its First Settlers, by Hiram Heaton, in the *Fairfield Ledger*, November 29, December 6, 13, 1916.
- Letter from Dr. E. R. Hutchins, in the *Des Moines Plain Talk*, November 30, 1916..
- Historical Monuments of the Upper Des Moines, by C. L. Lucas, in the *Madrid Register-News*, November 30, 1916.
- The Old Capitol at Iowa City, in the *Cedar Rapids Republican*, December 1, 1916.
- General J. H. Knapp, First Settler at Fort Madison, in the *Fort Madison Democrat*, December 2, 1916.
- Sketch of the life of J. B. Carter, in the *Shenandoah Sentinel-Post*, December 4, 1916.
- Edgar Allen Poe and Oquawka, in the *Des Moines Capital*, December 4, 1916.
- Sketch of the life of E. W. Sargent, in the *Le Mars Sentinel*, December 5, 1916.
- Pioneer Hardships, in the *Knoxville Express*, December 6, 1916.
- Harvey Smith Drove Cattle Across Plains, in the *Council Bluffs Nonpareil*, December 7, 1916.
- Sketch of the life of Newton Jasper Harris, in the *Des Moines Plain Talk*, December 7, 1916.
- Sketch of the life of John M. Phipps of Fremont County, in the *Council Bluffs Nonpareil*, December 12, 1916.
- The Biggest Cargo on the Des Moines River, in the *Des Moines Plain Talk*, December 7, 1916.

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Iowa's Anniversary, in the *Clinton Advertiser*, December 13, 1916.  
First Murder Trial in Iowa, in the *Spencer News*, December 13, 1916.

An Indian Scare on Christmas Eve, in 1855, by C. L. Lucas, in the *Madrid Register-News*, December 14, 1916.

When Iowa City was a Station on the Old Mormon Trail, in the *Iowa City Press*, December 14, 1916.

When the First Railroad Train Came to Iowa City, in the *Iowa City Press*, December 14, 1916.

John Brown's Visit to Iowa City in Early Day, in the *Iowa City Press*, December 14, 1916.

C. W. Walker Recalls Early Winter, in the *Elgin Echo*, December 14, 1916.

When Cedar Rapids was a Small Hamlet, in the *Lisbon Herald*, December 14, 1916.

Some Prices of 1848, in the *Wayland News*, December 14, 1916.

Sketch of the life of William Downing, in the *Washington Democrat*, December 19, 1916.

Governor Kirkwood's Birthday, in the *Iowa City Citizen*, December 20, 1916.

Passing of the Old Mills, in the *Knoxville Express*, December 20, 1916.

How Pioneers Made Cloth and Clothes, in the *Knoxville Express*, December 20, 1916.

Blizzards in Early Iowa, in the *Knoxville Express*, December 20, 1916.

John Brown in Iowa, in the *Oxford Leader*, December 21, 1916.

Settlers Attacked by Wolves in Early Days, in the *Reinbeck Courier*, December 22, 1916.

A Voyage on the Steamer Jeanie Deans Down the Des Moines and Mississippi, in the *Des Moines Plain Talk*, December 28, 1916.

Iowa: A State of Seventy Years, in the *Des Moines Plain Talk*, December 28, 1916.

Richard Scarrem, a Revolutionary Soldier Buried in Iowa, in the *Eddyville Booster*, December 28, 1916.

First Settlement Made at Keokuk Nearly a Century Ago, in the *Daily Gate City*, December 29, 1916.

## HISTORICAL SOCIETIES

### PUBLICATIONS

*The Wisconsin Archeologist* for October is taken up with a study of *Indian Remains in Waushara County*, by George R. Fox and E. C. Tagatz.

The April-July number of the *Quarterly Publication of the Historical and Philosophical Society of Ohio* contains a reprint of Gorham A. Worth's *Recollections of Cincinnati*, originally published at Albany, New York, in 1851. There is an introductory note by L. B. Hamlin.

A pamphlet on *Historical Pageantry: A Treatise and a Bibliography*, compiled by Ethel T. Rockwell, was published by the State Historical Society of Wisconsin in July.

An article of general interest which is to be found in *The New England Historical and Genealogical Register* for October is one by J. R. Hutchinson on *The "Mayflower" Her Identity and Tonnage*.

In the *Proceedings of the Bunker Hill Monument Association* for 1916 there is an address by Brooks Adams on *The Incoherence of American Democracy*.

Two articles which appear in the *Proceedings of the New Jersey Historical Society* for April are the following: *The Old Barracks at Trenton*, by Edwin Robert Walker; and *The Beginnings of the Morris & Essex Railroad*, by Joseph F. Folsom.

The principal article in *The Medford Historical Register* for July is one by Moses W. Mann on *Two Medford Buildings of the Fifties*.

Some *Letters to General Greene and Others*, annotated by Joseph W. Barnwell; and a continuation of the *Order Book of*

*John Faucheraud Grinké* are among the contents of the April number of *The South Carolina Historical and Genealogical Magazine*.

Under the heading of *Museum Illustrating the History of the State* the Rhode Island Historical Society has published a pamphlet describing the collections of the Society.

Two volumes of the *Collections of the Maine Historical Society* published during the year 1916 contain additional papers and documents from *The Baxter Manuscripts*, edited by James Phinney Baxter. These papers throw much light on the difficulties confronting the people of Maine after the close of the Revolutionary War.

The *Annals* of the Georgia Historical Society for the year ending February 16, 1916, contains among others things a *Bibliography of the Georgia Historical Society*, and a list of unpublished manuscripts.

Among the articles in *The New York Genealogical and Biographical Record* for July are the following: *James Junius Goodwin*, by Richard H. Greene; *George Austin Morrison*, by John R. Totten; *The Millard Ancestry of President Fillmore*, by Franklin H. Giddings; and *Myles Standish*, by Clarence W. Bowen.

Among the contributions in the May-August number of the *German American Annals* is a brief biographical sketch of the life of *Johann Heinrich Müller*, by Charles Frederick Dapp.

*La Saint-Jean-Baptiste, 1639-1836*, by Benjamin Sulte; *The Economic Effect of War upon Canada*, by Adam Shortt; *The Refugee Loyalists of Connecticut*, by W. H. Siebert; and *An Historical War Crop—The Canadian Wheat Crop of 1915*, by C. C. James, are articles in the *Transactions of the Royal Society of Canada* for June.

*History of the Catholic Summer School of America*, by Morgan M. Sheedy; *The Capuchins in Acadia and Northern Maine*, by John Lenhart; and chapter twenty-one of Martin I. J. Griffin's study of *The Life of Bishop Conwell* are among the contributions in the

December number of the *Records of the American Catholic Historical Society*.

H. C. Duncan is the writer of an article on *Monroe County in the Mexican War* which occupies the opening pages of the *Indiana Magazine of History* for December. Then follows the concluding installment of Harold Littell's study of the *Development of the City School System of Indiana—1851-1880*. John Poucher discusses the *Social Effects of the Monon Railway in Indiana*. Two other articles are: *Catholic Education in Indiana; Past and Present*, by Mrs. Elizabeth Denehie; and *Grand Prairie Harmonical Institute*, by Harry Evans.

The October number of the *Historical Collections of the Essex Institute* opens with a continuation of Francis B. C. Bradley's discussion of *The Eastern Railroad: A Historical Account of Early Railroad in Eastern New England*. There is also another installment of an article on *The Lee Family of Marblehead*, by Thomas Amory Lee.

In volume twenty-six, part one of the *Proceedings of the American Antiquarian Society* will be found the following contributions: *Cotton Mather's Scientific Communications to the Royal Society*, by George Lyman Kittredge; *Extracts from the Diaries and Accounts of Isaiah Thomas from the Year 1782 to 1804 and his Diary for 1808*, edited by Charles L. Nichols; a continuation of the *Bibliography of American Newspapers, 1690-1820*, by Clarence S. Brigham; and some *Vocabularies from the Northwest Coast of America*, edited by Franz Boas.

A large portion of the *Ohio Archaeological and Historical Quarterly* for October is occupied with addresses delivered at the dedication of the Hayes Memorial Building at Spiegel Grove, Fremont, Ohio, on May 30, 1916. There is also an extended biographical sketch of *Rarey, the Horse's Master and Friend*, by Sara Lowe Brown.

A sketch of the career of Joshua Humphreys, written by his great-grandson, Henry H. Humphreys, appears in the October num-

ber of *The Pennsylvania Magazine of History and Biography* under the title *Who Built the First United States Navy?* O. G. Sonneck is the writer of a paper on *The First Edition of "Hail Columbia"*. Among some *Letters Selected from the Ferdinand J. Dreer Collection of Manuscripts* are letters written by George Washington, Nathaniel Greene, Edward Hand, and others. There is considerable of interest in some *Extracts from the "Book of Phisick"* of William Penn.

*Oddities in Early Illinois Laws*, by Joseph J. Thompson; *The Pacification of the Indians of Illinois after the War of 1812*, by Lizzie M. Brown; *Lincoln at Galesburg*, by Joseph F. Evans; and *Personal Reminiscences of Mr. Lincoln*, by John W. Vinson; and *John Cook, Pioneer Settler of Illinois* are among the articles in the *Journal of the Illinois State Historical Society* for January, 1916.

Continuations of *Extracts from the Diary of James Parker of Shirley, Mass.*, and of the *Reminiscences of John Davidson, a Maine Pioneer*, are to be found in the July number of *The New England Historical and Genealogical Register*. There is also a communication relative to *The Redeemed Captives of 1747*, by George Walter Chamberlain.

Continuations of the *Journal of the Committee of Observation of The Middle District of Frederick County, Maryland*, from September 12, 1775, to October 24, 1776; and *Extracts from the Carroll Papers* are to be found in the December number of the *Maryland Historical Magazine*. The concluding installment of *Uriah Brown's Journal* also appears in this number.

*A Pioneer of the Spokane Country* is the heading given to some interesting reminiscences by John E. Smith, which appear in *The Washington Historical Quarterly* for October. *Alaska under the Russians—Industry, Trade and Social Life* is the title of the second of two articles by C. L. Andrews, the first of which appeared in the *Quarterly* for July, 1916. Two other papers are: *Black Tamanous, the Secret Society of the Clallam Indians*, by Johnson Williams; and *Mullen Road*, by Henry L. Talkington.



There is also another installment of the *Diary of Colonel and Mrs. I. N. Ebey*, edited by Victor J. Farrar.

Among the many papers in volume fourteen of the *Proceedings of the New York State Historical Association* the following are perhaps of the greatest general interest: *The Interpretation of History*, by Grenville M. Ingalsbe; *Forts and Block Houses in the Mohawk Valley*, by Nellis M. Crouse; *Baron Steuben, at Home, at Rest, in Oneida County*, by Dana W. Bigelow; *Indian Raids in the Mohawk Valley*, by Wm. H. Beauchamp; *The Battle of Oriskany*, by Henry J. Cookinham; and *The Home and Name of General Herkimer*, by Nelson Greene.

An interesting address on *Teaching War and Peace in American History*, by Andrew C. McLaughlin, occupies first place in *The History Teacher's Magazine* for October. *Two Views Regarding Historical Fiction* are presented by Elbridge Colby and Kate M. Munro; while *Teaching the History of the New South* is the subject discussed by St. George L. Sioussat. A brief account of the *Mankato Historical Pageant*, July 4, 1916, is written by Clara E. Willard. Among the articles in the November number are: *Geographical versus Sequential History*, by E. F. Humphrey; and *Industrial History in the Standard High School Course*, by Raymond G. Taylor. A paper on *The World War and the Historians*, by Frank Maloy Anderson, appears in the December number.

The opening article in *The American Historical Review* for October is one by H. Vander Linden on *Alexander VI and the Demarcation of the Maritime and Colonial Domains of Spain and Portugal, 1493-1494*. Albert B. Faust discusses *Swiss Emigration to the American Colonies in the Eighteenth Century* and is the contributor of a number of documents on the subject. An interesting paper on *The Growth of Nationalism in the British Empire* is presented by George M. Wrong. *The Influence of Manufacturers upon Political Sentiment in the United States from 1820 to 1860* is the subject of a paper by Victor S. Clark. Of particular interest to students of western history is Frederic L. Paxson's excellent article on *The Cow Country*. Charles E. Chapman is the writer of a brief

account of *The American Congress of Bibliography and History at Buenos Aires*. Among the "Notes and Suggestions" is one on *Gerry and the Presidential Succession in 1813*, by Henry Barrett Learned.

Volume eight of the *South Dakota Historical Collections* is a book of about six hundred pages, all but one hundred of which are devoted to *Official Correspondence Pertaining to the War of the Outbreak, 1862-1865*. Much data relating to the activities of two regiments of Iowa cavalry will be found in this correspondence. In the first part of the volume appear the following papers: *Recollections of Early Opportunities for an Education in the Territory of Dakota*, by Frank Trumbo; *John Thompson's Nerve*, by O. S. Thompson; *Beginning in Day County*, by A. C. Roberts; *Surveying under Difficulties*, by J. E. Ziebach; *Along the Upper Missouri in the Seventies*, by Charles F. Hackett; *Progress of South Dakota in 1914 and 1915*, by Doane Robinson; and an illustrated account of *Dakota Military Posts*.

The following papers appear in *The Mississippi Valley Historical Review* for September: *Some Verendrye Enigmas*, by Orin G. Libby; *The Function of Military History*, by A. L. Conger; *The Organization of the British Fur Trade, 1760-1800*, by Wayne E. Stevens; and *Historical Activities in Canada, 1915-1916*, by Lawrence J. Burpee. The "Notes and Documents" contain a brief autobiographical account of James Corbin, a soldier of Fort Dearborn, with introduction and notes by Milo M. Quaife. The following articles are published in the December number: *Effects of Secession upon the Commerce of the Mississippi Valley*, by E. Merton Coulter; *Alabama and the Federal Government: The Creek Indian Controversy*, by Theodore H. Jack; *Sir John Johnson, Loyalist*, by Mabel Gregory Walker; *Historical Activities in the Trans-Mississippi Northwest, 1915-1916*, by Dan Elbert Clark; and *Additional Verendrye Material*, presented in the form of a symposium by Doane Robinson, Charles E. DeLand, and Orin G. Libby.

Among the papers, addresses, and other contributions in the *Proceedings of the Massachusetts Historical Society*, volume forty-nine, are the following: *Memior of William Everett*, by James Schouler; *Du Pont, Talleyrand, and the French Spoliations*, by Samuel E. Morison; *Memoir of Lucien Carr*, by William Roscoe Thayer; *Letters of Goldwin Smith to Charles Elliot Norton, 1863-1872*, contributed by Sara Norton; *Letters of John Brazer Davis, 1819-1831*, edited by Worthington C. Ford; *Contemporaneous Opinion*, by Winslow Warren; *Historic Doubts on the Battle of Lexington*, by Harold Murdock; *Memoir of John Chipman Gray*, by Roland Gray; *Journal of Josiah Quincy, Junior, 1773*, contributed by Mark Antony D. Howe; and *Memoir of Frederic Ward Putnam*, by Alfred M. Tozzer.

*Governmental Reorganization, a Constitutional Need in Tennessee* is the subject of a paper by Wallace McClure which opens the *Tennessee Historical Magazine* for June. Asa E. Martin describes the *Anti-slavery Activities of the Methodist Episcopal Church*; R. B. C. Howell discusses the *Early Corporate Limits of Nashville*; and J. A. Trousdale is the writer of *A History of the Life of General William Trousdale*. In the September number may be found an excellent paper on *Richard Henderson: The Authorship of the Cumberland Compact and the Founding of Nashville*, by Archibald Henderson; a scholarly monograph on *The Slave Laws of Tennessee*, by H. M. Henry; and a brief sketch of the life of *Andrew Greer*, by John T. McGill. In both numbers are installments of the *Papers of Major John P. Heiss*, edited with introduction and notes by St. George L. Sioussat.

#### ACTIVITIES

Mrs. May F. Montgomery presented a report on the marking of historic sites at the meeting of the Historical Society of Marshall County in November.

A paper by Hiram Heaton, which provoked considerable discussion, was the chief feature of the meeting of the Jefferson County Historical Society held on December 6th at Fairfield.

The Ohio Valley Historical Association held its tenth annual meeting at Indianapolis on October 4 and 5, 1916, in connection with the Indiana State Centennial Celebration. Among the papers and addresses was one entitled *A Lost Opportunity: Internal Improvements*, by Worthington C. Ford.

The annual meeting of the Kossuth County Historical Society was held at Algona on Thursday evening, December 14th. Among the papers read at that time were: *Excitement While Building the Fort at Irvington in 1857*, by O. W. Robinson; and an account of the founding of the town of Cresco, by W. D. Eaton. The directors whose terms expired at this time were reelected.

The fortieth annual meeting of the Nebraska State Historical Society, the twenty-fifth annual meeting of Nebraska Territorial Pioneers' Association, and the sixth annual meeting of the Nebraska Memorial Association were held at Lincoln on January 10 and 11, 1917.

Curator Edgar R. Harlan of the Historical Department of Iowa coöperated with the Town Planning Committee of Des Moines during the fall in choosing suitable names with a local historical significance for the new driveways in the proposed boulevard system for Des Moines. Mr. Harlan has also given much attention to the plans for the historical film production to be called "The Wild Rose of Iowa".

A special meeting of the Illinois State Historical Society was held at Springfield on December 7, 1916, to celebrate the ninety-eighth anniversary of the admission of Illinois into the Union. At the same time there was a conference of representatives of local historical societies in Illinois.

The Maryland Historical Society is to have a new home if present plans come to fruition. At the October meeting of the Society Mrs. H. Irvine Keyser offered to give the Society a well-located lot and suitable building as a memorial to her husband. In addition to the four-story building now standing on the property Mrs. Keyser made known her intention to build for the Society a fireproof annex in which to house its library and portrait gallery.

The State Historical Society of Wisconsin has recently come into the possession of the estate of the late George B. Burrows, the value of which is estimated to exceed \$250,000. While the income from this estate is at present not large, it will enable the Society to launch into lines of activity hitherto impracticable because of lack of funds.

At a meeting held at Osceola late in November the Clarke County Historical Society was permanently organized. The following are the officers for the coming year: Miss Nellie Richards, president; Mrs. John Boden, vice president; Mrs. T. Wall, secretary; and Mrs. Archie Wade, treasurer.

The American Historical Association and the American Political Science Association held their annual meetings at Cincinnati on December 27-30, 1916. The Mississippi Valley Historical Association also held its midwinter meeting at this time, beginning with a dinner in the evening of December 26th, when informal reports were presented by the various committees. A joint meeting on the afternoon of December 29th was devoted to papers relating to various phases of western history.

At the October meeting of the Allamakee County Historical and Archaeological Society, Mr. Ellison Orr reported that plans had been made by the Waukon Public Library to provide shelves for more than one hundred volumes of newspapers covering the past fifty years of the history of the county. These papers have been preserved by Mr. A. M. May, the secretary of the Society. At the November meeting a resolution was adopted to the effect that the Waukon Public Library should be made the official depository of the Society's collections until other quarters should be provided. An interesting feature of the December meeting was the narration by Mr. Ellison Orr of some reminiscences related to him by Mr. H. B. Miner, a pioneer who came to Allamakee County in 1856.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Dr. John C. Parish, for many years a member of the staff of the Society, has served during the past fall as a member of a committee chosen to administer the affairs of Colorado College during the va-

cancy in the presidency of the institution. Dr. Parish is at the head of the history department in Colorado College.

Dr. E. H. Downey, formerly a member of the research staff of the Society, is the author of an article on *The Organization of Workmen's Compensation Insurance* which appeared in the December number of the *Journal of Political Economy*.

The Superintendent of the Society, Dr. Benj. F. Shambaugh, delivered an address before the Iowa Library Association at Colfax on October 13th, on the preservation of materials for State and local history in the public libraries of Iowa.

A paper on *The Teaching of State and Local History in the Schools of Iowa* was read before the Social Science Section of the Iowa State Teachers' Association on November 3, 1916, by Dan E. Clark, Associate Editor in the Society.

On September 30, 1916, occurred the dedication of the Pullman Free School of Manual Training in Chicago. The Principal of this institution is Dr. Laenas G. Weld, who for many years was a member of the Board of Curators of The State Historical Society of Iowa.

The Society will soon distribute volume three in the *Iowa Applied History Series*, which is a book of over seven hundred pages devoted to the general subject of *Statute Law-making in Iowa*. The work is the result of coöperative research in which practically the entire research staff of the Society participated, under the direction of the Superintendent and Editor, Dr. Benj. F. Shambaugh. The following papers, dealing with various phases of the subject, appear in the volume: *History and Organization of the Legislature in Iowa*, by John E. Briggs; *Law-making Powers of the Legislature in Iowa*, by Benj. F. Shambaugh; *Methods of Statute Law-making in Iowa*, by O. K. Patton; *Form and Language of Statutes in Iowa*, by Jacob Van der Zee; *Codification of Statute Law in Iowa*, by Dan E. Clark; *Interpretation and Construction of Statutes in Iowa*, by O. K. Patton; *The Drafting of Statutes*, by Jacob Van der Zee; *The Committee System*, by Frank E. Horack; and *Some Abuses Connected with Statute Law-making*, by Ivan L. Pollock.

The following persons have recently been elected to membership in the Society: Mr. H. L. Johnson, Dexter, Iowa; Mr. A. A. Wood, Laurens, Iowa; Mr. A. H. Cummings, Mason City, Iowa; Mr. Jno. W. Foster, Guthrie Center Iowa; Mrs. C. F. Johnston, Sheffield, Iowa; Miss Etna Lemon, Guthrie Center, Iowa; Rabbi Eugene Mannheimer, Des Moines, Iowa; Mr. J. H. Moore, Guthrie Center, Iowa; Mr. W. J. Pilkington, Des Moines, Iowa; Mr. I. W. Shambaugh, Clarinda, Iowa; Mr. Arthur F. Allen, Sioux City, Iowa; Mr. O. G. Boisseau, Holden, Missouri; Rev. Harry Burton Boyd, Iowa City, Iowa; Miss Zada M. Cooper, Iowa City, Iowa; Mr. J. C. Grason, Council Bluffs, Iowa; Mr. Charles Grilk, Davenport, Iowa; Mr. P. C. Holdoegel, Rockwell City, Iowa; Mr. Harry Eugene Kelly, Chicago, Illinois; Mr. T. A. Kingland, Lake Mills, Iowa; Mr. K. M. LeCompte, Corydon, Iowa; Mr. W. D. Miller, Ogden, Iowa; Mr. Elmer E. Mitchell, New Sharon, Iowa; Mr. W. P. Myers, Ottumwa, Iowa; Mr. A. V. Proudfoot, Indianola, Iowa; Mr. Francis W. Smith, Iowa City, Iowa; Mr. Stanley R. Smith, Tripoli, Iowa; Mr. J. E. Wichman, Garner, Iowa; Mr. J. R. Frailey, Fort Madison, Iowa; Mr. John Wallace Cooper, Davenport, Iowa; Mr. William R. Daum, Ottumwa, Iowa; Mr. Ben Edwards, Ames, Iowa; Mr. T. P. Harrington, Algona, Iowa; Mr. A. W. Jackson, Stanwood Iowa; Mr. L. W. Mansfield, Cedar Rapids, Iowa; Mrs. H. L. Monty, North McGregor, Iowa; Dr. R. C. Norman, Lawler, Iowa; Mr. W. C. Shepard, Allison, Iowa; and Mr. W. H. Stowe, Fort Dodge, Iowa.

## NOTES AND COMMENT

A movement is on foot to erect a monument near Story City, Iowa, on the spot where it is said once stood the first Norwegian church built west of the Mississippi River.

About the middle of October occurred the death of Mrs. Henry Clay Dean, at the age of ninety. Her husband was one of the most interesting characters in Iowa during the Civil War period, being widely known for his gifts as a speaker.

A number of citizens of Des Moines are interested in a plan to erect a monument to Thomas Jefferson in that city near where the Jefferson Highway crosses the Seventh Street viaduct.

On December 6th occurred the death of J. M. Mulroney at Fort Dodge. Mr. Mulroney traveled on foot to California in 1850, but returned to Palo Alto County, Iowa, in 1857. Later he located at Fort Dodge, where he became interested in banking and railroad building.

A "Publicity Week" was conducted by the Chariton Public Library about the middle of November, one day being devoted to a display of books and materials relating to Iowa. The library now maintains a historical room.

Guy A. Feely of Waterloo died on November 4th at the age of forty-one. Mr. Feely was born in Black Hawk County, was graduated from the Law College of the State University of Iowa in 1901, and became a prominent member of the bar of his native county. He was a member of the House of Representatives in the Thirty-second and Thirty-third General Assemblies and at the latter session he served as Speaker of the House.

The Open Fire Chapter of the Daughters of the American Revolution at Eldora is taking a very active interest in the marking of historic spots in Hardin County. Plans are being made which,



when carried out, will leave for future generations a permanent, visible record of many of the interesting events in the pioneer history of the county.

The seventieth anniversary of the admission of Iowa into the Union occurred on December 28, 1916, and passed without any notable public observance. The newspapers of the State, however, quite generally took notice of the day. In New York City the event was celebrated by a joint banquet of the Iowa Society of New York and the Iowa New Yorkers at the Hotel Astor.

The eighteenth annual meeting of the Iowa Conference of Charities and Correction was held at Ottumwa on October 22-24, 1916. At this time provision was made for the appointment of a legislative committee to cooperate with other agencies in the effort to secure needed social legislation.

James H. Wilson, popularly known in Iowa as "Prairie Jim Wilson", died in Washington, D. C., on November 21, 1916. Mr. Wilson was born in New York in 1846, served during the Civil War in a New York regiment, and came to Iowa about 1865, locating in Adair County. He was for several years a trustee of the Iowa State College of Agriculture and Mechanic Arts; and at the time of his death was a member of the State Board of Railroad Commissioners, which position he had held since 1914.

During the past few months newspapers in various parts of the State have given their hearty approval to a suggestion that the General Assembly should appropriate a sum of money sufficient to fireproof the Old Stone Capitol Building at Iowa City. The old building is rightly regarded as the greatest historical monument within the boundaries of Iowa, and the desirability of its permanent preservation is coming to be generally recognized.

The *Marshalltown Times-Republican* of November 8th suggests the desirability of a semi-annual journal devoted to county history and politics "We are losing a great deal of valuable history", says the editor, "by the departure to the far country of those who helped to make it and of which no written record exists. The

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files of such a publication would be literally invaluable as a record of the real development of the counties."

Iowa Day was observed at the State University of Iowa on October 20, 1916, by an assembly. Preceding an address on *Practical Citizenship*, by Allen D. Albert, brief remarks were made on *The Historian's Iowa*, by Benj. F. Shambaugh; *The Geologist's Iowa*, by George F. Kay; *The Schoolman's Iowa*, by Robert E. Rienow; and *The Writer's Iowa*, by John T. Frederick.

Senator Eli C. Perkins, a member of The State Historical Society of Iowa, died at his home at Delhi on October 11, 1916. Mr. Perkins was born in Maine in 1850 and came to Iowa during his youth. He graduated from Lenox College in 1875 and from the Law College of the State University of Iowa in 1879. He was county attorney of Delaware County from 1887 until 1893. In 1908 he was elected to a seat in the lower house of the General Assembly, where he served for two terms, and was then elected State Senator. No doubt the greatest memorial to the legislative services of Senator Perkins will be the benefits derived by the crippled children of Iowa through medical treatment received at Iowa City in accordance with the terms of the so-called "Perkins Act".

Daniel Kerr, a former member of the General Assembly of Iowa and a Congressman from this State from 1887 to 1891, died at his home in Grundy Center on October 8, 1916. Mr. Kerr was born in Scotland in 1836, and removed to Illinois when five years of age. He served in an Illinois regiment during the Civil War, and later was elected to the Illinois legislature. In 1870 he removed to Grundy Center, Iowa, where the remainder of his life was spent.

The death of Arthur George Smith at his home in Iowa City on November 5, 1916, took from the faculty of the State University of Iowa one of its best loved members. Professor Smith was born in Wayne County, Iowa, on November 28, 1868. He graduated from the State University in 1891, and four years later received the degree of Master of Arts. After studying abroad, both in Germany and England, he became permanently connected with the department of mathematics at the State University of Iowa. He was pro-

moted from time to time, until in 1911 he became head of the department of mathematics and astronomy. Aside from his very successful work as teacher, Professor Smith will long be remembered in educational circles for his strong influence in the interest of clean athletics in the colleges and universities of the Middle West.

William Craig Wilcox, Dean of the College of Liberal Arts of the State University of Iowa, died at his home in Iowa City on October 5, 1916, after a long illness. He was born at Pittsfield, Massachusetts, on January 16, 1867. After an education in the common schools he entered the University of Rochester, from which he received the degrees of B. A. and M. A. In 1894, after spending two years as Fellow in Political Science at the University of Chicago, he accepted an appointment as professor of history at the State University of Iowa. He became head of the department of history in 1904, a position which he continued to hold until the time of his death. Since 1909 he was also Dean of the College of Liberal Arts, the duties of which office he performed with eminent success in the midst of many trials. Dean Wilcox was long a member of The State Historical Society of Iowa, and from 1903 to 1905 was a member of the Board of Curators. He was a splendid teacher, a wise and successful administrator, and a citizen held in high esteem and affection by a host of friends—not only among his associates in the University but throughout the State of Iowa where he was widely known.

## CONTRIBUTORS

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DAN ELBERT CLARK, Associate Editor in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for April, 1915, p. 307.)

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## THE EXECUTIVE VETO IN IOWA

As early as the days of Montesquieu there developed in political thought the theory that the several branches of government should be kept separate. This theory was very early introduced in America, and it remains to-day an important feature of both the State and national governments. The relation between the legislative and executive departments has been of particular interest. Indeed, few questions have more frequently been the subject of discussion before constitutional conventions in America. At the close of the colonial period there was a marked tendency to extend legislative power at the expense of the executive. In most of the States the Governor was at first chosen by the legislature. This system was not long in operation, however, before a distrust of legislative bodies led to a demand for an increase in the power of the Governor. In accordance with this view the people of Pennsylvania in 1790 revised their State Constitution and provided for the popular election of the Governor. They increased his term of office from one to three years, and vested him with the executive veto. Prior to that time only two States, New York and Massachusetts, gave the Governor the veto power.

Since 1790 there has been a gradual increase in the importance attached to the office of Governor. His power to convene the legislature, the influence which he exerts through his message to the legislature, the tendency to increase his term of office to four years, and the almost universal rule of extending to him the veto power all indicate something of his increased importance. In recent years there have been attempts to bring about greater centraliza-

tion in State government, to give the Governor larger legislative control, and to allow him to veto special items of a proposed measure, without destroying the entire bill.

#### VETOES UNDER THE ORIGINAL PROVISIONS OF THE ORGANIC ACT

The question of what power should be given to the chief executive in controlling legislation originated very early in the history of Iowa. The Organic Act of the Territory of Iowa, approved on June 12, 1838, contained a clause which declared that the Governor "shall approve of all laws passed by the Legislative Assembly before they shall take effect".<sup>1</sup> No provision was made, however, regarding the time or the manner in which bills should be presented to the Governor, or returned by him to the Legislative Assembly. For the purpose of remedying this defect, the legislature during its first session attempted to pass a bill regulating the intercourse between the Governor and the two houses of the Legislative Assembly.

On December 4, 1838, a committee was appointed by the Council to confer with the Governor relative to this matter. The conference was held and resulted in the drafting of a bill, which was referred back to the Council for passage. Before it was passed, however, the bill was amended in such a way as to make it objectionable. Governor Lucas received the amended bill on December 18th, and on the next day returned it to the Council with the following explanation of his disapproval:

In comparing the bill submitted for my consideration, with the one originally reported by the committee, I find that the section that was inserted with a view to keep up the mutual conference, and to open the way to a mutual reconciliation of conflicting views, has been stricken from the bill; also the time within which the Executive was required to return an act, etc. with his objections, to the Legis-

<sup>1</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 103.

lative Assembly, has been altered from ten to five days; *with these alterations I can never concur*, but am still willing to yield my assent to the bill if passed as originally reported by the committee. Until this is done I must use my own discretion, under the Organic Law, *and for your information will state the course I intend to pursue.*

All bills, resolutions, or memorials, submitted to me, will be carefully examined, and if approved, will be signed and deposited in the office of the Secretary of the Territory. If special objections are found, but not sufficient to induce me to withhold my assent from the bill, resolution, or memorial, a special note of explanation will be endorsed with my approval.

Bills, resolutions, or memorials, that may be considered entirely objectionable, or of doubtful policy, will be *retained under advisement* or returned to the Legislative Assembly, with my objections, at such time, and in such way and manner as I may, for the time being, deem to be most advisable.<sup>2</sup>

This message was referred to the committee on Territorial affairs. In making its report on January 22, 1839, the committee advanced the opinion that Congress in framing the Organic Act did not intend to confer the power of an absolute veto upon the Governor, and that the phrase he "*shall approve all laws*" was mandatory, leaving the Governor without discretion.<sup>3</sup>

While the question of the relation between the Governor and the Legislative Assembly was still pending, a resolution was adopted which further complicated affairs and brought Secretary William B. Conway into the controversy. This resolution was one making an allowance for the compensation of clerks, doorkeepers, messengers, and firemen. It directed the payment of such allowances by the Secretary, and provided that a certificate signed by the presiding officers of the two houses should constitute a sufficient voucher for the money paid out. This resolution was not

<sup>2</sup> *Council Journal*, 1838-1839, p. 110.

<sup>3</sup> *Council Journal*, 1838-1839, pp. 190-193.

presented to the Governor for his approval, but was considered as final without his signature. In accordance with its provisions a certificate entitling Samuel W. Summers to pay as sergeant-at-arms was presented to Secretary Conway for payment.<sup>4</sup>

The Secretary, unwilling to assume the responsibility of paying out money in this unusual manner, and still anxious to retain the support of the members of the legislature, asked Governor Lucas to give, in writing, his opinion upon the validity of the voucher. Governor Lucas replied immediately, stating that since the Organic Act provided that all laws should be approved by the Governor, and since the resolution providing for vouchers had not been so approved, payments could not be legally made in the manner prescribed.

This answer to the Secretary's inquiry gave rise to new difficulties. Mr. Conway sent the message at once to the Legislative Assembly, thus intensifying the spirit of contention that already existed between the Governor and the members of the legislature. Upon the receipt of this communication, on Friday, December 7, 1838, the legislature voted to adjourn until the following Monday, but meanwhile to meet in convention on Saturday morning and discuss the matter. In the convention which met at the appointed time the opposition to the Governor's attitude was led by Stephen Hempstead and James W. Grimes; while Gideon S. Bailey and John Frierson spoke in behalf of the Governor. Mr. Hempstead and Mr. Grimes were severe in their denunciation of the Governor for overstepping his bounds. Mr. Bailey and Mr. Frierson, on the other hand, contended that the chief executive had in no way exceeded his authority.<sup>5</sup>

<sup>4</sup> Parish's *Robert Lucas*, pp. 190, 191.

<sup>5</sup> Parish's *Robert Lucas*, pp. 191-195.

An examination of the facts seems to justify the latter contention. The Governor had not vetoed the resolution, nor had he expressed any intention to do so. He had only expressed his opinion that the certificate based upon the joint resolution did not constitute a sufficient voucher. The letter written by the Governor was in no way a restraint upon either the Secretary or the legislature. It was considered, however, as an attempt on the part of the Governor to control legislation and dictate the policy of the Secretary. Moreover, the opposition contended that any interpretation by the Governor amounted to an expression of judicial opinion. Indeed, any comment by the executive upon bills that were passed seemed to incur the displeasure of the members of the legislature to a greater extent than did the direct use of the veto. This is shown by the fact that on January 15, 1839, the House of Representatives, after a long preamble stating that the Governor had been writing "notes and explanations on sundry laws", resolved that Robert Lucas is "unfit to be the ruler of a free people", and that a select committee be appointed to prepare and report a memorial to the President of the United States, asking for his immediate removal.<sup>6</sup> Such a memorial was actually written and presented to President Van Buren, but did not produce the desired effect.

Another question upon which the Governor and the legislature took issue was that of governmental expenditures. Governor Lucas in his message to the Assembly on November 12, 1838, recommended strict economy and a careful distribution of funds so as not to exceed the appropriation made by Congress.<sup>7</sup> This advice, however, was disregarded. Money was appropriated with little regard to the limited means allowed by Congress. On December 21st Hardin

<sup>6</sup> *House Journal*, 1838-1839, p. 13.

<sup>7</sup> *House Journal*, 1838-1839, p. 13.

Nowlin introduced a resolution in the House of Representatives, appointing Mr. Conway fiscal agent of the Legislative Assembly during the session, and providing that all advances of money made by him should be refunded to him out of such money as should later be appropriated by Congress.<sup>8</sup> This resolution was adopted by the two houses and on December 29th was presented to the Governor for his signature.

Governor Lucas could not consistently approve of such a measure, so he returned it at once, stating that the "Secretary of the Territory is, by the organic law, created the disbursing agent of the appropriation made by Congress, to defray the expenses of the present legislative assembly, and this legislative assembly, in my opinion, has no power directly or indirectly, to control the application of money that may be appropriated by Congress to defray the expenses of the next legislative assembly."<sup>9</sup>

The next bill vetoed by the Governor was one dividing Henry County and establishing the county of Jefferson. This bill, unlike the former measures, was disapproved because of its form, and not because of the Governor's opposition to its purpose and content. Governor Lucas in returning this bill presented two objections: first, that the described boundary extended into the Indian country; and second, that it divided certain organized townships. He recommended a rewriting of the bill so as to bound the counties by township lines and the Indian boundary line.<sup>10</sup> In accordance with these suggestions, the bill was modified and became a law on January 21, 1839.

As the work of the Legislative Assembly advanced, the relations between the executive and the two houses became

<sup>8</sup> *House Journal*, 1838-1839, p. 138.

<sup>9</sup> *House Journal*, 1838-1839, p. 151.

<sup>10</sup> *House Journal*, 1838-1839, p. 154.

more and more strained. On November 28, 1838, an attempt had been made to prescribe the time and manner in which bills should be returned to the Assembly. The joint resolution embodying these provisions was sent to the Governor, and on January 4, 1839, was returned, together with a brief note in which the Governor said: "I see no place in the organic law, that vests the Council and House of Representatives with the right to dictate to the Executive in the discharge of his official duties."<sup>11</sup>

On the following day the Governor vetoed another resolution requesting him to inform the legislature of his sanction of bills immediately upon his approval of the same. He stated that it was his desire to comply with the wishes of the legislature, whenever possible; but having no secretary or clerk in his service, it was impracticable for him to return bills to the house immediately upon his approval. He referred to his communication of December 19, 1838, and asserted his intention to follow the course therein prescribed, until a bill was passed regulating the intercourse between the two departments.<sup>12</sup>

Other bills vetoed during the first session of the Legislative Assembly were bills providing that the postmaster of Davenport be authorized to have the mail carried from Davenport to Dubuque twice a week during the session of the legislature;<sup>13</sup> incorporating the City of Dubuque;<sup>14</sup> providing for the compensation of sheriffs;<sup>15</sup> and authorizing the Legislative Assembly to punish for contempt and to privilege its members from arrest.<sup>16</sup>

<sup>11</sup> *House Journal*, 1838-1839, p. 176.

<sup>12</sup> *House Journal*, 1838-1839, pp. 181, 182.

<sup>13</sup> *House Journal*, 1838-1839, p. 176.

<sup>14</sup> *Council Journal*, 1838-1839, p. 150.

<sup>15</sup> *House Journal*, 1838-1839, p. 272.

<sup>16</sup> *Council Journal*, 1838-1839, p. 214.

Aside from these bills two acts were passed by the legislature during the closing days of the session and presented to the Governor, but were not returned until the beginning of the next session. The first of these bills was an act concerning the repeal of certain statutes. Governor Lucas objected to this bill because, as he said, its approval would have repealed all laws passed by the legislative authorities of the Territories of Michigan and Wisconsin, which were still in force in the Territory of Iowa.<sup>17</sup>

The other bill left in the hands of the Governor was one providing for the compensation of printers of the Legislative Assembly "and for other purposes". Notwithstanding the attitude of the Governor in the matter of economy, the legislature persisted in incurring unnecessary expenses. The journals for the last week of the session show a number of resolutions for the payment of money, many of which were not in accord with the Governor's policy. The bill in question was a good example of the methods employed by the legislature. It purported to be a bill for the compensation of printers, but was in fact a general appropriation bill. Moreover, it was passed on the last day of the session, at a time when its return either with or without the Governor's signature was impossible. It was therefore retained in the executive office until the convening of the next legislative session, when it was returned to the House of Representatives, together with a note setting forth the Governor's objections.<sup>18</sup>

#### VETOES UNDER THE ORGANIC ACT AS AMENDED

The Territorial legislature met for its second session on November 4, 1839.<sup>19</sup> Prior to this time, however, Congress

<sup>17</sup> *House Journal*, 1838-1839, p. 25.

<sup>18</sup> *House Journal*, 1838-1839, pp. 25, 26.

<sup>19</sup> *House Journal*, 1839-1840, p. 3.



had passed an act restricting the veto power of the Governor of the Territory. This act was approved on March 3, 1839, and provided that a vetoed bill might become a law if reconsidered and passed by a two-thirds vote in both houses of the Legislative Assembly.<sup>20</sup> Governor Lucas no doubt recognized this amendment as a wise and representative measure, one which, it is true, reduced his power, but one which also relieved him of much of his former responsibility. He stood firmly by his convictions, however, and did not hesitate to exercise his veto power when in his judgment necessity required it.

The first bill vetoed by the Governor under the new provision of the law was one relative to the Missouri-Iowa boundary dispute. During the early days of December, 1839, the boundary question became acute. Indeed, there was every indication that armed hostilities would result. On the sixth day of that month a motion was made to adjourn the House of Representatives and allow the members to participate in the conflict.<sup>21</sup> This motion was lost and the House remained in session. On the following Monday, however, the House passed resolutions requesting the Governor of Missouri to authorize a suspension of hostilities until July 1, 1840, and asking Governor Lucas to suspend all further military operations until a decision had been received from the Governor of Missouri. These resolutions were presented to Governor Lucas on December 13th, and three days later were returned with his veto. He objected to the title of the resolutions which spoke of the "difficulties hitherto existing between the State of Missouri and the Territory of Iowa".<sup>22</sup> He contended that since the Territorial government was entirely under the control of the Federal

<sup>20</sup> Parish's *Robert Lucas*, p. 219.

<sup>21</sup> *House Journal*, 1839-1840, p. 98.

<sup>22</sup> *House Journal*, 1839-1840, p. 102.

government, the controversy was between the State of Missouri and the United States.<sup>23</sup> He concurred with the Legislative Assembly, however, in attempting to avoid hostilities between the people of Missouri and those residing in the Territory of Iowa. To this end he despatched a special messenger to Washington to submit the matter to the President and to solicit his interposition and instructions on the subject. In the meanwhile he refused to assume responsibilities which he thought belonged to the Federal government. Notwithstanding the Governor's contention, however, the resolutions were again taken up and passed over his veto, the vote being fourteen to six in the House,<sup>24</sup> and seven to one in the Council.<sup>25</sup> This was the first instance in the history of Iowa of a bill or resolution becoming a law without the Governor's approval.

During the remainder of Governor Lucas's administration three bills were vetoed. These were bills to create the office of public printer,<sup>26</sup> to provide for the appointment of a Territorial librarian,<sup>27</sup> and to repeal certain legislative measures.<sup>28</sup> The first two of these bills were rejected because of technicalities and not upon questions of merit. In each case there was an attempt to pass the bill over the veto, but both attempts resulted in a failure to secure the required two-thirds vote. The third bill provided for a repeal of laws formerly passed by the Legislative Assemblies of the Territory of Michigan and the Territory of Wisconsin which were still in force in the Territory of Iowa. This bill was essentially identical with the one formerly vetoed be-

<sup>23</sup> *House Journal*, 1839-1840, p. 110.

<sup>24</sup> *House Journal*, 1839-1840, p. 111.

<sup>25</sup> *Council Journal*, 1839-1840, p. 80.

<sup>26</sup> *House Journal*, 1839-1840, p. 117.

<sup>27</sup> *House Journal*, 1839-1840, p. 132.

<sup>28</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 176.

cause of its interference with important laws. Governor Lucas thought that the approval of such a measure would work injustice by producing a sudden change in the law. This bill was not vetoed until after the close of the session, and therefore, no attempt was made to pass it over the veto.

On May 13, 1841, John Chambers succeeded Robert Lucas as Governor of the Territory. Governor Chambers came into office as a Whig appointee, while the people of the Territory were largely Democratic. This being the case, he had to contend with a legislative body in which his party was in the minority.<sup>29</sup>

The Legislative Assembly met in Butler's Capitol at Iowa City on December 6, 1841. During this session, which lasted until February 13, 1842,<sup>30</sup> two bills received the executive veto. Both of these measures were rejected on the grounds of unconstitutionality. The first was a joint resolution relative to carrying the mail from Iowa City to Keosauqua. This resolution was introduced in the House of Representatives on December 7th, the second day of the session, and provided that the postmaster at Iowa City should be authorized to employ some suitable person to carry the mail to Keosauqua; that the postmaster at Dubuque should employ a carrier to Iowa City, and that the Postmaster General should be memorialized to pay the expenses thus incurred.<sup>31</sup> This measure was presented to Governor Chambers on December 11th, and two days later was vetoed, on the theory that it necessitated a departure by the postmasters from their duties to the Post Office Department. In his veto message the Governor said:

I am entirely satisfied, that the exercise of such a power as is proposed by this resolution, cannot be effected through the instrumen-

<sup>29</sup> Parish's *John Chambers*, p. 128.

<sup>30</sup> *House Journal*, 1841-1842, p. 3.

<sup>31</sup> *House Journal*, 1841-1842, p. 7.

talities or agency of the postmasters appointed by, and acting under the authority of the General Government, without a departure, on their part, from their duties and obligations to the Post Office Department; and not being willing to request an officer of the Government to do an act which I should consider a violation of his duty, I am constrained to withhold my signature and approval from this joint resolution.<sup>32</sup>

An attempt to pass this measure over the Governor's veto in the House was lost by a vote of eight to eighteen. Hence the veto remained in force.

The other bill vetoed during this session of the legislature was one appointing an Acting Commissioner at Iowa City. The bill seems to have been an attempt to unite the offices of Territorial Agent and Superintendent of Public Buildings at Iowa City, and to name the person who should occupy the newly created office. Chambers quoted from the provisions of the Organic Act to show that the appointment of such officers rested with the Governor, and withheld his signature from the bill. A vote in the House upon the question of passing the bill over the Governor's veto resulted in a ballot of thirteen to eleven. The motion was therefore lost — a two-thirds vote being required for its passage.<sup>33</sup>

On the fifth of December, 1842, the Fifth Legislative Assembly convened in the newly erected stone capitol building at Iowa City. Governor Chambers in the early part of the session, in writing to his two sons relative to legislative matters, said: "There is very little for the Legislature to do that can be useful, and yet there is not the least probability of their adjourning before the 21st [of] February."<sup>34</sup> As a matter of fact the session came to an end on February 17, 1843, after eighty-three bills had been passed.

Of the acts passed at this session all but two were ap-

<sup>32</sup> *House Journal*, 1841-1842, p. 29.

<sup>33</sup> *House Journal*, 1841-1842, p. 231.

<sup>34</sup> Parish's *John Chambers*, p. 138.

proved and signed by the Governor. The first act vetoed was a memorial to Congress asking for a survey of certain Indian boundary lines. It was disapproved by the Governor on the ground that the date contained in the bill was erroneous, and because a mistake had been made in locating the point at which the proposed boundary line should intersect the Des Moines River.<sup>35</sup>

The other bill vetoed was "an act to divorce certain persons therein named". It provided for the divorcing of no less than nineteen couples. When the measure was sent to Governor Chambers for his signature he returned it, together with an extensive veto message.<sup>36</sup> He contended that such a wholesale annulment of marriage vows was manifestly unjust. He deemed it proper to give the party accused an opportunity to be heard, and maintained that such hearing could be obtained only in a judicial proceeding. He urged, moreover, that the three branches of government should be kept distinct, and held that the granting of divorces by the legislature was an infringement upon the sphere of the judiciary. In conclusion he said:

I have heretofore given a reluctant approval to acts affecting individual cases of this kind, but more mature reflection and an examination of our statute books, in connection with this bill, satisfies me that too much facility and encouragement has been given to applications for legislative interposition in such cases, and that it will be more safe and more consistent with the principles of our government to leave them to judicial action, than to continue to legislate for each particular case.

Notwithstanding this protest on the part of the Governor, the bill was again taken up and passed, the vote in the House being sixteen to seven, while in the Council it stood eight to four.<sup>37</sup>

<sup>35</sup> *Council Journal*, 1842-1843, pp. 49, 50.

<sup>36</sup> *House Journal*, 1842-1843, pp. 311-313.

<sup>37</sup> *House Journal*, 1842-1843, pp. 313, 314; *Council Journal*, 1843, p. 178.

During the session of the next Legislative Assembly, which met in December, 1843, and continued in session until February of the following year, there were no bills passed which failed to meet with the Governor's approval. During the early months of 1844 the question of statehood was the chief subject of public interest. In April this question was submitted to a vote of the people, and it was found that a large majority favored statehood. Accordingly a constitutional convention was called to convene at Iowa City for the purpose of drawing up a Constitution which should be submitted to a vote of the people.<sup>38</sup> One of the issues before this convention was the question of the relation between the legislative and executive departments. The Constitution as finally drawn up provided for an executive veto. It stipulated, however, that if a bill once vetoed should again pass both houses by a majority of two-thirds of the members of each house present, it should become a law notwithstanding the Governor's objections.<sup>39</sup>

From the convention the new Constitution was sent to Congress, where an act was passed enabling Iowa to become a State. In framing this act, however, Congress stipulated State boundaries which did not correspond to those proposed by the convention. This change was objected to by the people and accordingly the Constitution was rejected.<sup>40</sup>

In May, 1845, the Seventh Legislative Assembly convened, with the question of statehood still unsettled. Governor Chambers in his message recommended a provision for a popular vote on the question of calling a new convention.<sup>41</sup> The members of the legislature, however, preferred to re-submit the original Constitution to the people and then at-

<sup>38</sup> Parish's *John Chambers*, p. 143.

<sup>39</sup> *Journal of the Iowa Constitutional Convention*, 1844, p. 192.

<sup>40</sup> Parish's *Robert Lucas*, p. 271.

<sup>41</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 279, 280.

tempt to secure from Congress a satisfactory enabling act. Accordingly the Legislative Assembly passed an act to re-submit the Constitution of 1844 to the voters at the August election, in the same form in which it had come from the convention.<sup>42</sup> The passage of this measure brought forth a formal protest signed by nine members of the House. They said that the bill was "designed to control rather than to ascertain public sentiment".<sup>43</sup> On June 3rd the bill was sent to the Governor and three days later was vetoed.<sup>44</sup> Although Governor Chambers favored statehood, he was of the opinion that a further consideration of the old Constitution was unwise.

From the supporters of the Constitution of 1844 the Governor's veto brought forth a severe criticism. A motion in the House to pass the bill by a constitutional majority resulted in a vote of sixteen to eight. In the Council a similar motion was carried by a ballot of eleven to two. The Constitution was accordingly again referred to the people, by whom it was rejected a second time.<sup>45</sup>

The last bill vetoed by Governor Chambers was an act to provide for the settlement of the titles to half-breed lands in Lee County. The Governor's objection to the bill was that it proposed to change the laws in such a way as to make special rules of procedure applicable to the half-breed titles. "The laws of every country affecting the rights of individuals", the Governor said, in part, "should be equal and uniform, and I am not able to discover any reason for making the rights, whatsoever they may be, of the claimants of the Half Breed lands, an exception to this rule".<sup>46</sup> Here

<sup>42</sup> Parish's *John Chambers*, p. 156.

<sup>43</sup> *House Journal*, 1845, p. 167.

<sup>44</sup> *House Journal*, 1845, p. 204.

<sup>45</sup> *House Journal*, 1845, p. 210; *Council Journal*, 1845, p. 144.

<sup>46</sup> *Council Journal*, 1845, p. 170.

again, however, the protest of the Governor was of no avail. The measure was taken up and passed over his veto in each house by the necessary majority. In the House of Representatives the vote stood nineteen to two. In the Council there were but twelve votes cast, all of which, however, were in favor of the passage of the measure.<sup>47</sup>

During the remainder of the Territorial period only one bill met with the executive veto. This was a bill for the relief of Samuel C. Reed, a citizen of Van Buren County, who lived near the Missouri line and had furnished provisions to the militia engaged in defending the boundary line during the winter of 1839-1840. Being in limited circumstances and having waited several years in the hope of securing some remuneration, he petitioned the legislature for an appropriation for \$183.15, the amount of his claim.

Reed was regarded as a patriotic and generous man, and his petition was favorably received. Accordingly, in January, 1846, the legislature passed a bill allowing his claim, with six per cent interest.<sup>48</sup> James Clarke was at this time Governor of the Territory, having succeeded John Chambers in November, 1845. When the bill was sent to him, he returned it with a veto message.<sup>49</sup> His objection was that the legislature should make no discrimination among those who aided in defending the rights of the people of the Territory in the time of impending danger. He contended that to allow one claim would be to encourage others. He suggested, moreover, that all such claims should be submitted to the Federal government and not to the Territorial legislature. An attempt was made to pass this measure over the Governor's veto, but it failed for the want of a two-thirds vote.

<sup>47</sup> *House Journal*, 1845, p. 234; *Council Journal*, 1845, p. 170.

<sup>48</sup> *Annals of Iowa* (First Series), Vol. IV, p. 750.

<sup>49</sup> *House Journal*, 1845-1846, p. 225.



## BILLS VETOED SINCE 1846

The Constitution of 1844 was rejected by the people, but two years later another constitutional convention was called to meet at Iowa City on May 4, 1846. On the second day of the session the president announced the appointment of a number of standing committees whose duty it would be to draw up and recommend provisions relative to the various branches of the State government. The committee on the legislative department consisted of Shepherd Leffler, William Hubbell, John J. Selman, Stephen B. Shelleday, and John Conery. On Friday, May 8th, Mr. Leffler presented a report for this committee and recommended as a part of the proposed Constitution the following provision:

Every bill which shall have passed the general assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the same upon the journal and proceed to reconsider it; if, after such reconsideration, it again pass both houses by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly by adjournment prevents such return.

Mr. Shelleday moved to amend this section by adding the provision that after "any law of a general nature has passed both branches of the General Assembly, & shall have been vetoed by the Governor, it may be submitted to the people at the next general election, and if it shall receive a majority of all the votes cast for and against it, the same shall become a law, notwithstanding the Governor's objection." The vote on this amendment stood fourteen to fourteen, hence the amendment was lost. An attempt was then made to strike out of the original section the words "majority of

two thirds of the members of each house present," and insert the words "all the members elect to each House,"<sup>50</sup> thus requiring a unanimous vote of the members of the two houses in order to pass a bill over the Governor's veto. This proposed amendment was also lost, and the section as first proposed was made a part of the Constitution.

Ansel Briggs was elected as the first Governor of the State, and served from 1846 to 1850. During this period only one bill was vetoed. This was a bill for the relief of H. H. Hendrix and Edward Pedigo. These two men had become bondsmen for James V. Potts against whom an indictment stood in the district court of Wapello County. Potts having absconded, a bill was passed by the legislature to release the bondsmen from their obligation. Governor Briggs objected to the measure on the ground that it would defeat the purpose of the existing law. It would as he said "establish a pernicious precedent",<sup>51</sup> by encouraging men charged with indictable offenses to escape. He thought that the law ought to be allowed to take its course, and accordingly vetoed the bill. An attempt to pass the measure over the Governor's veto resulted in failure.

In 1850 Stephen Hempstead was elected Governor of the State. During the four years of his administration he exercised the veto power eight times — five times with reference to bills for the construction of toll bridges, twice in connection with the calling of a convention to amend the Constitution, and once with reference to a bill to amend the Code. The Governor's objection to the five bridge bills<sup>52</sup> was that their purpose was to create corporations for private gain, and that as such the bills were unconstitutional. In vetoing the first of these bills Governor Hempstead quoted the sec-

<sup>50</sup> *Journal of the Iowa Constitutional Convention*, 1846, pp. 43, 44, 58, 59.

<sup>51</sup> *House Journal* (Extra Session), 1848, pp. 188, 189.

<sup>52</sup> *House Journal*, 1850-1851, pp. 381, 384; *Senate Journal*, 1851, pp. 319, 322.

ond section of the ninth article of the Constitution, which provided that "Corporations shall not be created in this State by special laws, except for political or municipal purposes".<sup>53</sup> He said that the language and intention of the Constitution could not be mistaken. It "asserts a great and just principle which is worthy of the highest consideration by those who are entrusted with legislative power", the object being to prevent special and partial legislation and to grant equal privileges to all citizens.<sup>54</sup> In vetoing the other four bridge bills the Governor followed the same line of reasoning.

The second series of vetoes by Governor Hempstead had to do with proposed measures for amending the State Constitution. In 1852 there was a wide-spread agitation for amendments granting special charters to corporations and authorizing the establishment of banks. In his message to the General Assembly in December of that year the Governor expressed his belief that such amendments were not advisable, and urged the members to oppose any measures which had for their purpose the alteration of the Constitution in this manner.<sup>55</sup> Disregarding this advice, on December 29th, Elijah Sells, a member of the House of Representatives introduced a bill, the provisions of which were that "at the next general election, a vote shall be taken for or against the call of a convention to amend the constitution, and that in case it shall be found that a majority have voted for a convention, the next succeeding General Assembly shall provide for holding the same." This bill passed both houses and on January 15, 1853, was presented to the Governor for his approval.

The general election referred to in this bill was to be held

<sup>53</sup> *Journal of the Iowa Constitutional Convention*, 1846, p. xv.

<sup>54</sup> *House Journal*, 1850-1851, pp. 382, 383.

<sup>55</sup> *House Journal*, 1852-1853, p. 20.

on the first Monday in August in the year 1854, and the following General Assembly would meet on the first Monday of December of the same year. The tenth article of the Constitution of 1846 contained a provision that in case the people should vote in favor of a convention, such a convention should be held within six months thereafter. Thus it will be seen that the proposed bill interpreted in the light of this constitutional provision would mean that a period of only two months would intervene between the meeting of the General Assembly and the convening of the convention. Governor Hempstead pointed out this fact and urged that two months was not sufficient time in which to pass the necessary laws, elect delegates, and prepare for the convening of the convention. Upon these grounds he vetoed the bill and returned it to the House of Representatives.<sup>56</sup> An attempt was made to pass the bill over the Governor's veto, but the motion was lost by a vote of six to fifty-three.

The members of the legislature were not content, however, to let the matter rest at this point. Another bill authorizing a popular vote upon the question of amending the Constitution was at once introduced and passed by both houses of the Assembly, but not without serious objection on the part of some of the members. Among those opposed to this movement was Senator A. Y. Hull. Finding that he and his followers were unable to prevent the passage of the bill and being indignant at the result, he moved to strike out the title and insert as a substitute: "A bill to enable eight by ten politicians to become Pachas with five tails."<sup>57</sup> This motion was of course lost, and the bill with its original title was presented to Governor Hempstead for his approval. Again the Governor objected, this time upon the ground that while the bill prescribed the number of delegates, it did not indi-

<sup>56</sup> *House Journal*, 1852-1853, pp. 291, 320.

<sup>57</sup> *Senate Journal*, 1852-1853, p. 291.

cate who should be eligible, nor did it state whether they should be elected by counties, by districts, or by the State at large. Aside from this special objection he stated that he was opposed to any measure, the purpose of which was to alter the Constitution. In emphasizing this attitude in his veto message he wrote as follows:

I cannot, in the absence of a more marked expression of popular desire on the part of the people than what has heretofore been manifested, approve of any bill, which has for its object the calling of a convention to amend the constitution. The legitimate ends of government have been and can still be obtained by its wise provisions, under which the State of Iowa has thus far been prosperous, and the rights and interests of her citizens been secured and protected.<sup>58</sup>

With these objections the Governor returned the bill to the house in which it had originated.

The last bill vetoed by Governor Hempstead was an act to amend chapter eighty of the *Code of 1851*. This chapter dealt with the rights of occupying claimants, and the bill was an attempt to further these rights. The sixth section of the bill declared that "any court deeming the provisions of this act providing for a judgment in favor of the occupying claimant unconstitutional, shall nevertheless order a stay of execution by the successful claimant until payment, tender or satisfaction be made". This was an attempt to require the court to enforce a law which it had decided should have no validity. Thus it will be seen that the measure was clearly unconstitutional, and as such it was vetoed by the Governor.<sup>59</sup>

In reviewing the eight acts vetoed by Governor Hempstead it is interesting to note that in each case there was an attempt to pass the measure over his veto, but that in no case was the attempt successful. Indeed, with one exception

<sup>58</sup> *House Journal*, 1852-1853, pp. 413, 414.

<sup>59</sup> *Senate Journal*, 1852-1853, p. 326.

the vote upon such questions was overwhelmingly in support of the Governor — the exception being in the case of the second bill providing for a vote upon the question of amending the Constitution, when the vote in one house stood twenty-nine to twenty-one.

In August, 1854, James W. Grimes was elected Governor of Iowa, and on the ninth day of the following December he was inaugurated. Under the provisions of the Constitution of 1846 his term would have continued until December, 1858, but his tenure lapsed ten months prior to this time, owing to the provisions of the new Constitution adopted in 1857. During his administration of a little more than three years he had occasion to exercise his veto power no less than ten times.

The first act vetoed by Governor Grimes was one to amend an act to incorporate the Mount Pleasant Collegiate Institute. James Harlan had recently become president of that institution, upon condition that the school should be placed upon a more efficient basis.<sup>60</sup> To accomplish this object he urged the legislature to pass an amendment to the act of incorporation. Accordingly, a bill for that purpose was passed by the legislature in January, 1855. The terms of this bill were clearly such as would create a special corporation. As the Constitution provided that corporations should not be created by special laws, except for political or municipal purposes, the Governor had no option in the matter, but was forced to veto the act as being unconstitutional. In returning the bill, however, he said that the "objects sought by the Incorporators are commended to my judgment. I sympathize in their efforts to establish an Institution of sound learning. I applaud their motive, I desire their success".<sup>61</sup> In conclusion he advocated that a new bill

<sup>60</sup> Brigham's *James Harlan*, p. 76.

<sup>61</sup> *House Journal*, 1854-1855, p. 422.

be formulated upon a constitutional basis, in order that the interests of education might not suffer by the exercise of his veto. Such a bill was immediately passed by the General Assembly and approved by the Governor, and the school was reorganized as Iowa Wesleyan University.<sup>62</sup>

On January 23, 1855, the same day upon which the Governor vetoed the Mount Pleasant Collegiate Institute bill, there was presented for his approval an act in reference to an ordinance passed by the city council of Dubuque. This act declared that certain persons named in the ordinance should form an incorporated company, with the right of perpetual succession, and that this company should enjoy certain rights and privileges. The Governor pointed out the fact that such an act was in conflict with the second section of the eighth article of the Constitution of the State, which declared that corporations should not be created by special laws, except for political or municipal purposes. Viewed in this light the bill was clearly unconstitutional. "The purpose of this bill", said the Governor, "is neither political or municipal; it not only would create a special incorporation, but it would give to it perpetuity, whilst the duration of corporations organized for similar purposes, under the general laws of the State, is limited to fifty years." It is clear from the records that the General Assembly adopted the views of the Governor in this matter, for there was a unanimous disapproval of the motion to pass the bill by a constitutional majority.<sup>63</sup>

The Governor was not again called upon to exercise his veto power for more than a year, but in July, 1856, the legislature at its special session attempted to enact a law which did not meet his approval. This was a bill providing for a change in the law with reference to the issuing of county

<sup>62</sup> *Laws of Iowa, 1854-1855*, p. 213.

<sup>63</sup> *Senate Journal, 1854-1855*, pp. 310, 311.

and corporate bonds. The purpose of such a change was to exempt the town of Fort Madison from the operation of the law. Governor Grimes objected to the measure on the ground that all laws of a general character should be uniform in their operation. This act being designed for the special benefit of the town of Fort Madison, was accordingly declared unconstitutional, and returned to the Senate without his approval.<sup>64</sup>

The next legislative enactment to meet with the Governor's veto was a bill for the purpose of vacating an alley in the town of Keosauqua. The bill provided that the land vacated should remain under the control of the mayor, and that the original proprietors should have no further interest in the property. Governor Grimes objected to the measure because, as he said, it was an attempt to prevent the title in the land from ever reverting to the original owners. He called attention to the fact that when a street or alley is dedicated to public use the legal title remains in the donor, and that the public acquires a simple easement or right of way. When this public franchise ceases the original owners may again resume full possession. Upon these grounds he vetoed the bill and returned it to the Senate.<sup>65</sup> Here again upon a motion to pass the bill by a constitutional majority, the Governor's view was supported by a unanimous vote of the members of the Senate.

The next two bills objected to by the Governor provided for the incorporation of the cities of Winterset and Centerville. The bill providing for the incorporation of Winterset contained a clause declaring that all property owned by the city in its corporate capacity should be exempted from taxation for State or county purposes. The Governor admitted the ability of the General Assembly to make such an exemp-

<sup>64</sup> *Senate Journal*, 1856-1857, p. 80.

<sup>65</sup> *Senate Journal*, 1856-1857, pp. 233, 234.



tion from taxation, and thus conceded the point of constitutionality. He objected to the measure, however, because it tended toward non-uniformity in the laws relative to the various cities of the State. The corporate property of the cities of Dubuque and Knoxville had been exempted, while the property of every other city and town in the State was taxed its proportional share. Governor Grimes was opposed to extending the list of exempted cities, unless indeed it be done by a general act applying to all the cities of the State. His plea was for uniformity, and upon this ground alone he vetoed the proposed law.<sup>66</sup> The incorporation of the city was not, however, long delayed. A new bill was introduced in which the objectionable features were omitted, and on January 16, 1857, only six days after the veto of the first measure, the act of incorporation was approved.<sup>67</sup>

In regard to the incorporation of the city of Centerville the legislature passed a bill, one section of which declared that the city council might propose amendments to the charter, which if adopted by the voters should become a part of the charter. There was no limitation or restraint upon the subjects that might be embraced in these amendments. The adoption of such a measure would, as was pointed out by Governor Grimes, give the city power to extend or curtail its boundaries at will, or to contravene the general laws of the State. As it was clearly not the intention of the General Assembly or the policy of the State to confer upon any municipal corporation such unlimited power, the Governor considered it his duty to veto the measure.<sup>68</sup> Here, as in the former case, immediate steps were taken to formulate a new bill, and on January 23, 1857, the city of Centerville was incorporated.<sup>69</sup>

<sup>66</sup> *Senate Journal*, 1856-1857, pp. 253, 254.

<sup>67</sup> *Laws of Iowa*, 1856-1857, p. 41.

<sup>68</sup> *House Journal*, 1856-1857, p. 350.

<sup>69</sup> *Laws of Iowa*, 1856-1857, p. 107. In the original bill the spelling was Centreville. In the approved act it was changed to Centerville.

Another city whose charter came before the legislature at this session was the city of Council Bluffs. The attempt in this case was to amend the charter. The bill providing for this alteration stipulated that "warrants may be issued for the violation of ordinances, by-laws, rules and regulations of said city, without being predicated or based upon affidavit." The terms were general and might be interpreted as including warrants for search or for seizure. In this respect the bill contravened the fourth article of amendment to the United States Constitution, which forbids search and seizure except upon a warrant issued upon probable cause, and supported by oath or affirmation. Governor Grimes pointed out the weakness of the proposed law, and returned it to the Senate where it had originated.<sup>70</sup>

The next bill which the Governor saw fit to veto was "An act for the relief of the Medical Department of the State University." This bill proposed to grant the sum of five thousand dollars, arising from interest on the University fund of the State, to the College of Physicians and Surgeons at Keokuk. In 1840 Congress had granted two townships of land for the use and support of a University, with such branches as the public convenience might demand. Governor Grimes was opposed to apportioning the funds derived from this land among the several colleges of the State. He maintained that Congress, in making the grant, had used the word University advisedly; that it was a collective term, meaning an assemblage of colleges established at one place. The friends of the bill based their arguments upon the fact that the General Assembly had prior to this time authorized the expenditure of parts of the University fund in establishing branches at Dubuque and Fairfield, and in supporting normal schools at Oskaloosa and Andrew, and by recent legislation had made the college at Keokuk a branch of the

<sup>70</sup> *Senate Journal*, 1856-1857, pp. 351, 352.

University. At the time this act was passed the legislature was considering other bills for the location of branches of the University at Glenwood and Fort Dodge, and for the establishment of an agricultural college at Delhi.

Governor Grimes in commenting upon this situation in his veto message said:

No one can divine how many other branches are in contemplation, and will be established if the principle heretofore acted upon is not checked. Every one who will reflect upon the subject, must perceive that this policy of distribution, if continued, will reduce the present institution to a shadow, impair its efficiency, and destroy the whole object of the grant.<sup>71</sup>

Notwithstanding the force of this argument a majority of the members of the House were insistent upon passing the bill. In an attempt to enact the measure in spite of the Governor's disapproval the vote stood thirty-two to twenty-seven.

On the same day on which this appropriation bill was vetoed, the Governor disapproved another bill providing that a certain public square in the village of Freeman should be vacated, the grounds sold, and the proceeds appropriated to the construction of a court house at St. Charles in Floyd County. The Governor objected to this bill because, while the legislature could legally vacate property, it could not control its disposition. He pointed out the fact that if the land belonged to Floyd County before it was dedicated to use as a public square, the title would revert to the county. On the contrary, if the land originally belonged to a private individual, then despite the act of the General Assembly the title would revert to the original owner. In the one case, the act would be useless; in the other it would be void. He accordingly withheld his assent, and returned the bill to the House.<sup>72</sup>

<sup>71</sup> *House Journal*, 1856-1857, pp. 431-434.

<sup>72</sup> *House Journal*, 1856-1857, pp. 477, 478.

The last bill vetoed by Governor Grimes was one which proposed to give the United States jurisdiction over all lands purchased as sites for public buildings in Iowa, and to exempt the same from taxation. The clause with reference to jurisdiction included both civil and criminal cases. It was upon this point that the Governor took issue with the General Assembly. His contention was that there was no substantial reason for granting to the United States exclusive criminal jurisdiction within the limits of the State. He argued that a criminal process issued under the authority of the State, for the violation of State laws, should not be powerless against the offender as soon as he passed the threshold of a building belonging to the Federal government. So insistent was he upon this principle that he said he "would much prefer that the United States should never expend a dollar in the purchase of land, and the erection of public buildings within the state than to sacrifice the principle of state sovereignty in so essential a particular."<sup>73</sup>

The Constitution of 1857 made no important change in regard to the Governor's veto power, except that it embodied a clause providing that any bill submitted to the Governor for his approval during the last three days of the session should be deposited by him, either with or without his signature, in the office of the Secretary of State within thirty days after the adjournment of the session. The new Constitution, however, reduced the term of office of the Governor from four to two years. It also provided for an election of certain State officers to be held in October, 1857.

At this fall election Ralph P. Lowe was elected to the office of Governor. During the two years which he served as chief executive, he felt called upon to veto but one measure. This was a joint resolution authorizing a commission to make certain revisions in the law of the State for the pur-

<sup>73</sup> *Senate Journal*, 1856-1857, pp. 495, 496.

pose of making it conform to the new Constitution, and to submit these alterations to the General Assembly. This commission was also to prepare a code of civil and criminal procedure for the consideration of the legislature. The joint resolution in directing the action of an outside party, if properly executed, Governor Lowe maintained, would have had the full force and effect of an ordinary law. It was, therefore, subject to the same rules and regulations as other laws. The resolution did not, however, have the proper enacting clause, and upon this ground it was declared unconstitutional by the Governor. Other defects were set forth in the veto message, showing that the resolution was clearly objectionable.<sup>74</sup> Moreover, the records show that the members of the General Assembly were convinced of this fact, for upon a motion to pass the bill over the executive veto only one vote was cast in its favor, while thirty votes were cast in support of the veto.

On the eleventh day of January, 1860, before a joint convention of the two houses of the legislature Samuel J. Kirkwood took the oath of office as Governor of the State. At the expiration of his first term he was reëlected, and thus remained in office for a period of four years. During this time the paramount topic of concern was the Civil War. Accordingly there was little reason for contention between the Governor and the General Assembly. Notwithstanding this fact, however, six bills were passed by the legislature which were not approved by the Governor. The first was a bill amending the law relative to the meeting of the Board of Education. An act had been passed in 1858 stipulating that the Board of Education should hold a session at the capital of the State on the first Monday of December, 1859, and every second year thereafter.<sup>75</sup> The legislature now

<sup>74</sup> *Senate Journal*, 1858, pp. 330, 331.

<sup>75</sup> *Laws of Iowa*, 1858, pp. 340, 341.

proposed to postpone the next session until the first Monday of December, 1865. Governor Kirkwood was opposed to this measure. He contended that the best interests of the common school system required the attention of the Board of Education, and hence to postpone, for so long a period, the meeting of this board, would be to jeopardize the fundamental interests of education in Iowa.

In this opinion the members of the legislature did not all concur. A motion in the House to pass the measure over the Governor's veto was supported by forty-seven members, and opposed by thirty-two. Thus the motion was lost and the law of 1858 remained unaltered.<sup>76</sup>

The Constitution of 1857 authorized the establishment of a State Bank with branches in various parts of the State. By the close of the year 1859 twelve branches had been organized. They were located at the cities of Muscatine, Dubuque, Keokuk, Mount Pleasant, Davenport, Iowa City, Des Moines, Oskaloosa, Lyons, Washington, Burlington, and Fort Madison.<sup>77</sup> The law under which these banks were established seems to have been carefully framed and based upon a sound financial policy. The system was popular with the people, who desired a sound currency and security for deposits. There were, however, many capitalists in the State who desired a more liberal law. These men came before the General Assembly and urged an amendment to the banking law. In response a bill was passed changing the existing law in three particulars: first, by permitting banks to be organized with a capital of twenty-five thousand dollars, instead of fifty thousand dollars; second, by abolishing the office of Bank Commissioners; and third, by permitting the establishment of banks in towns with a population of two hundred and fifty inhabitants, instead of five hundred.

<sup>76</sup> *House Journal*, 1860, pp. 379, 380.

<sup>77</sup> Gue's *History of Iowa*, Vol. II, pp. 32, 33.

When this measure was sent to Governor Kirkwood for his approval, he returned it with a veto. One of his objections was that it would be unwise to dispense with the Bank Commissioners, who were the special guardians of the depositors, and whose duty it was to make examinations of the condition of the banks to see that the laws were strictly obeyed. He also disapproved the policy of establishing banks in small towns inaccessible to the bill-holders. Although the Governor's arguments did not convince all of the members of the legislature, the bill was not passed over his veto, and no banks were ever established in accordance with the proposed law.<sup>78</sup>

The two following bills vetoed by Governor Kirkwood were such as to require but a brief consideration in this connection. One of these was a bill to cede the jurisdiction over certain lots in the city of Dubuque to the United States government. The objection to this bill was essentially the same as that presented by Governor Grimes to the bill granting to the United States jurisdiction over all lands purchased as sites for public buildings, namely, that in criminal offenses the jurisdiction should in no case be surrendered by the State.<sup>79</sup>

The other bill was one providing for electing the Supreme Court Reporter and defining his duties. It was presented to the Governor without the required enacting clause, and hence was declared unconstitutional.<sup>80</sup>

The next regular session of the legislature convened on January 13, 1862, and continued in session until April 8th of the same year. On April 7th, the day previous to adjournment, two bills were presented for the Governor's approval. These measures were found objectionable, and having been

<sup>78</sup> *Senate Journal*, 1860, pp. 677-679.

<sup>79</sup> *House Journal*, 1860, pp. 638, 639.

<sup>80</sup> *Senate Journal*, 1860, p. 713.

passed during the last three days of the session were sent with the Governor's objections to the office of the Secretary of State.

The first of these bills was for an act to amend the law relative to the government and regulation of the State University. The law as it then existed authorized the Board of Trustees of the University to elect a president and the requisite number of professors, and to determine their respective salaries; and also to determine the tuition fee to be charged students attending the University. The proposed law was an attempt to fix the number of professors and assistants and their compensations, and also to fix the fees for tuition. The bill stipulated such low salaries for the president and professors, and such a high rate of tuition that Governor Kirkwood considered it detrimental to the best interest of education. "I am strongly impressed with the belief," he said in his veto message, "that if the proposed bill should become a law the operations of the University would necessarily be suspended. This I would regard as a great calamity to the cause of education in the State."<sup>81</sup>

The other bill vetoed and sent to the office of the Secretary of State was one attempting to change the salaries of the judges of the Supreme and district courts and of certain other State officers. Section nine, article five of the Constitution provided that the salaries of the Justices of the Supreme Court should be two thousand dollars per year, and that the compensation should not be increased nor diminished during the term for which a Justice had been elected. Governor Kirkwood's interpretation of the law was that the constitutional provision was effective until 1860, after which time the General Assembly might pre-

<sup>81</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 367.



scribe the compensation of judges. But as a matter of fact a law passed in that year (1860) prescribed again the same compensation of \$2000 per year, and this provision, in the opinion of the Governor, could not be changed at that time.<sup>82</sup>

In the fall of 1863 William Milo Stone was elected Governor of the State. Two years later he was reelected, thus serving for a period of four years. During this time he exercised the veto power three times. In each case the bill in question was defective in form and was returned to the General Assembly for further consideration. In March, 1864, the legislature passed a bill to provide for the publication of an act of the Tenth General Assembly regulating the fees of district attorneys. The act which was intended to be published was an amendment to an act passed at the extra session of the Ninth General Assembly. Through some mistake the words "regular session" were used instead of "extra" or "special session". Because of this error the bill was vetoed.<sup>83</sup>

The second instance of Governor Stone's use of the executive veto was in March, 1866. At this time the General Assembly passed a bill to amend a section of an act passed by the Tenth General Assembly. The bill referred to the section and chapter to be amended, but failed to specify either the session of the General Assembly by which the original act was passed, or the volume of session laws in which the act might be found, thus leaving the amendatory act void because of uncertainty. The title of the act indicated the source of the original bill with sufficient clearness, but as the title is not regarded as a part of the bill, the Governor maintained that it could not be relied upon to supply the defect found in the bill itself.<sup>84</sup>

<sup>82</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 368-370.

<sup>83</sup> *Senate Journal*, 1864, p. 443.

<sup>84</sup> *Senate Journal*, 1866, p. 333.

At the same session of the legislature, in March, 1866, an act was passed legalizing an election which had been held at Morning Sun, in Louisa County, in April, 1865. In framing this act the author had failed to indicate the title. The Constitution requires that the subject of an act shall be expressed in the title, and that if a subject is embraced in the act and not expressed in the title, that portion of the act shall be void. The meaning of the Constitution is clear upon this point and since the bill in question was directly covered by this clause, the Governor had no choice in the matter, but was forced to return the bill for correction.<sup>85</sup>

In the case of each of the three bills vetoed by Governor Stone there was a motion to pass the measure over the veto, but in no case was the motion carried or even seriously considered by the members of the legislature.

At the close of Governor Stone's second administration in January, 1868, Samuel Merrill became Governor of the State. During the first two years of his service there was no occasion for the exercise of the veto power. He was elected, however, for a second term and during this period six bills were vetoed.

On March 8, 1870, there was introduced into the Senate a bill for the purpose of enabling a certain township to hold a special election. The time stipulated for the holding of this election was "on the last Monday of March, 1870". A further provision of the bill was that the posting of copies of the act in three public places within the township, ten days before the date of election, should be sufficient notice of the election. This bill did not finally pass the two houses and come to the Governor for his approval until March 21st, just a week prior to the date fixed for the election. Accordingly, the required ten days could not be given and the act was of no effect. Governor Merrill pointed out this fact,

<sup>85</sup> *Senate Journal*, 1866, p. 479.

which in itself was sufficient reason for vetoing the bill. He went further, however, and expressed his belief that the proposed measure was an attempt at special legislation, and therefore unconstitutional. It is evident that the members of the Senate were convinced of their error, for upon a motion to pass the bill over the veto, a unanimous vote of forty-two ballots was cast in support of the Governor's view.<sup>86</sup>

A bill for releasing to James H. Jordan the interest of the State in certain lands located in Davis County was introduced into the Senate on March 24, 1870. The property in question consisted of a half section of the saline grant which at that time constituted a part of the University endowment. The question of the title to the land was involved and it had been agreed by the parties that the case should be taken into court in May, and the real ownership of the land determined. The bill granting a release of the State's interest was, however, passed by the two houses, and on April 8, 1870, was presented to the Governor for signature. Governor Merrill was of the opinion that the matter should have been left to the courts, and accordingly, after some deliberation, vetoed the bill. "I cannot but think the present an inopportune time for the action proposed", he declared. "If Mr. Jordan's title is good in law, the courts will undoubtedly sustain it. If it is not, and yet he has equitable claims, the Board of Trustees of the University, it is believed, may be relied on to do justice therein, as they have done in like cases heretofore."<sup>87</sup>

It is interesting to note in this connection that the members of the Senate were not favorably impressed with the attitude of the Governor on this question. A motion to pass the bill over his veto was carried in the Senate by a vote of thirty-nine to six. No record is found, however,

<sup>86</sup> *Senate Journal*, 1870, p. 325.

<sup>87</sup> *Senate Journal*, 1870, p. 531.

that the bill was passed a second time by the House or that it ever became a law.

The legislative session of 1870 came to an end on the thirteenth day of April. During the last three days of the session there were presented to the Governor four bills which were eventually vetoed and deposited with the Secretary of State. The first of these was an act to enable school districts to borrow money for the erection of school houses. The bill provided for the reappraisement of property in independent school districts where there had been a decided increase in the value of the property since the last biennial appraisement. With this new valuation as a basis the district was to be given power to borrow money for the construction of school houses to an amount not to exceed five per cent of the appraised value.

The Constitution of Iowa, however, provides that no "county or other political or municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount in the aggregate exceeding five per centum on the value of the taxable property within such county or corporation, to be ascertained by the last State and county tax lists previous to the incurring of such indebtedness." The provision of the Constitution thus makes it clear that the taxes are to be levied by taking the State and county tax lists as a basis. This being the case, the Governor maintained that any provision for a tax levy based upon a special appraisement of property would be unconstitutional and void. It was upon this ground that he vetoed the measure.<sup>88</sup>

Upon the same day that this bill was vetoed (May 13, 1870) the Governor sent to the office of the Secretary of State without approval an act for the relief of Marion Coun-

<sup>88</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 389-391.

ty for money stolen from the county safe. On the night of February 9, 1867, robbers had entered the office of the county treasurer of Marion County and taken from the safe about thirty-two thousand dollars, twenty thousand of which belonged to the school fund.<sup>89</sup> Early in February, 1870, D. T. Durham, a member of the House, introduced a bill for the relief of Marion County, one of the provisions of the bill being that the county be given credit for several hundred dollars of the permanent school fund. Governor Merrill objected to the measure. "The school-fund of the State the offspring of the munificence of the federal government", he said, "is too lightly guarded at best, in my judgment, under existing laws, and I cannot consent to the relinquishment of any portion of it, even though to do it might afford temporary relief to a county suffering from a robbery."<sup>90</sup>

Another bill deposited with the Secretary of State at this time was one conferring certain powers on the judges of the circuit courts. The contents of the bill do not appear in the records, but from the brief veto message it is clear that the bill was hastily and carelessly drafted. In speaking of the fourth section of the bill, Governor Merrill suggested that its provisions must have resulted from an oversight or from haste and a want of due consideration. He thought that such a provision in the law would be productive of confusion, and therefore deemed it his duty to veto the bill.<sup>91</sup>

The last legislative measure disapproved of by Governor Merrill was a bill empowering the Governor to release certain lands in Pocahontas County to the United States. This bill was designed to secure the relinquishment of the

<sup>89</sup> *Annals of Iowa* (First Series), Vol. VIII, pp. 383, 384.

<sup>90</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 392.

<sup>91</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 392, 393.

lands to the United States in order that they might be certified to the State as swamp land. The sole purpose of the bill appears to have been to make possible the necessary step for clearing the title of the lands held by Marcus I. Sacia, who had purchased them from Pocahontas County. The Governor believed that such an act should not be passed, because the claimant had made the purchase with full knowledge of the defect in the title. As pointed out in the veto message the Governor could have allowed the bill to become a law and then have refused to execute it, for the act was so framed as not to require the Governor to relinquish the land, but merely empowered him to do so at his option. Governor Merrill, however, chose to veto the bill, rather than to allow it to become a law and then not be carried into effect.<sup>92</sup>

In January, 1872, Cyrus C. Carpenter of Fort Dodge became Governor of the State. He served for two terms, until January, 1876, during which time he exercised the veto power four times. On March 23, 1872, the Fourteenth General Assembly passed a bill relative to the collection of taxes to aid in the construction of railroads in Clinton and Jackson counties. This bill stipulated "that in any township, incorporated city or town in the counties of Clinton and Jackson, where a tax has been voted to aid in the construction of any railroad, such a tax in said counties shall be collected only on the basis of the valuation as determined by the board of supervisors of said counties, and not on the valuation where it has been raised by the State Board of Equalization".

The Constitution of 1857 provides that the laws of the State shall not be of a local or special character, but shall whenever possible be general and of uniform application

<sup>92</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 393, 394.

throughout the State. In the opinion of Governor Carpenter the proposed measure was in conflict with this provision of the Constitution and was therefore void. This opinion was concurred in by the Attorney General and accordingly the act was declared unconstitutional. Other objections to the bill, as pointed out in the veto message, were that fairness demanded that the laws be uniform throughout the several counties of the State, and that the proposed measure if adopted would tend to establish a precedent which, if followed, would prove a prolific source of litigation. Upon these grounds the bill was vetoed and returned to the Senate.<sup>93</sup>

On March 1, 1872, there was introduced in the House of Representatives a "Memorial and Joint Resolution to Congress relative to homestead settlers on lands claimed by railroads in Iowa." This memorial set forth the fact that in May, 1856, Congress had granted to certain railroads a large amount of the public domain in Iowa, that in June, 1864, additional grants were made, and that in August of that year the Commissioners of the General Land Office expressly decided that the lands included in the supplemental grant did not inure to the railroads in such a manner as to prevent homestead settlement. It was alleged that under this ruling many homestead settlers had entered this land, and after having lived upon it for five years and improved it, were informed that by a subsequent ruling of the Department of the Interior their claims for homesteads were disallowed and cancelled. It was therefore resolved that "our Senators in Congress be instructed, and our Representatives requested, to use all possible efforts to secure the passage of a law or resolution, or other measure granting to the several railroads, other lands as indemnity, and in lieu of the lands so settled upon as homesteads, and procur-

<sup>93</sup> *Senate Journal*, 1872, pp. 423, 424.

ing a lease from the railroads of their claims to the homesteads and pre-emption settlers of the lands upon which they have so settled; or to extend to such settlers such other relief as may come within the scope of the powers of the General Government.”<sup>94</sup> After much consideration this resolution was finally passed and presented to the Governor on April 23, 1872 — the last day of the session.

Governor Carpenter upon receiving the proposed measure set about to ascertain the exact facts in the case, and subsequently received a letter from the Department of the Interior stating that the Federal government had not at any time declined to issue patents for lands entered subsequent to the passage of the law of 1856, and prior to the definite location of the respective lines. He was of the opinion that anyone making a settlement on these lands subsequent to that time must have done so with knowledge of the existing claims and was, therefore, not entitled to relief. He stated, moreover, that it was a high prerogative to the State government to be clothed with authority to indicate to the Senators and Representatives in Congress the wishes of the people. And he contended that such a prerogative should be exercised very sparingly. For these reasons he declined to sign the proposed measure, but deposited it, together with his veto message and a letter from the Department of Interior, with the Secretary of State.<sup>95</sup>

The two remaining bills vetoed by Governor Carpenter during his administration were a bill with regard to the sale of school lands, and a bill to repeal a certain section of the *Code of 1873* and provide a substitute therefor. The first of these bills was passed at the special session of the legislature in 1873 and was presented to the Governor without an enacting clause. It was therefore clearly unconstitu-

<sup>94</sup> *House Journal*, 1872, pp. 325, 326.

<sup>95</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, pp. 178-180.



tional, and as it had been passed during the last days of the session it was deposited, together with the veto message, in the office of the Secretary of State.<sup>96</sup>

The bill relative to amending the Code was passed by the Fifteenth General Assembly in 1874 and contemplated an alteration in the law relative to the change of venue in criminal cases. Chapter twenty-four, title twenty-five of the *Code of 1873* provided that in criminal cases the defendant might petition for a change of venue to another county. Section 4374 of this chapter provided that the court should exercise its discretion in the granting or rejecting of such a petition. The object of the proposed law was to provide that, in cases where the accused filed the proper petition supported by an affidavit, basing them upon the prejudice of the judge, no discretion should be left with the court, but that it should be the duty of the judge to order the change of venue regardless of his own opinion relative to the matter.

There was nothing in the act to limit the number of times that the accused might thus secure a change of venue. It is clear that the enactment of such a measure would lead to much delay in the conducting of criminal cases. This, as was pointed out in the veto message, would not only result in additional expense to the State, but in many cases would actually defeat justice. It was contended, moreover, that under the existing law no prejudice could endanger the rights of the criminal defendant, so long as the Supreme Court was open for a re-hearing. With these objections to the proposed law, Governor Carpenter on February 24, 1874, returned the bill to the House without his signature.<sup>97</sup>

At the close of Cyrus C. Carpenter's second term of ser-

<sup>96</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, p. 180.

<sup>97</sup> *House Journal*, 1874, pp. 292-296.

vice Samuel J. Kirkwood was again elected Governor of the State. He entered upon his third term in January, 1876, and continued in office until February, 1877, when he resigned to accept a seat in the United States Senate. As Governor he was succeeded by Joshua G. Newbold, who had been elected Lieutenant Governor in 1875. Governor Newbold continued in office only until January, 1878, when he was succeeded by John H. Gear. Governor Gear served as chief executive of the State for two terms, until January 12, 1882. It is interesting to note that during the two years in which Governor Kirkwood and Governor Newbold were in office, and during the four years which Governor Gear served there were no bills passed by the General Assembly which were not approved by the chief executive. Indeed, there was a period of almost eight years during which the veto power was not exercised by the Governor of Iowa.

On January 12, 1882, Buren R. Sherman of Vinton became Governor of the State. Two years later he succeeded himself, thus serving for a period of four years. Shortly after his inauguration in 1882 there was presented for his approval an act to legalize the defective acknowledgments to written instruments. This bill provided that "the acknowledgments of all deeds, mortgages, or other instruments in writing, taken and certified previous to the passage of this act, and which have been admitted to record in the proper counties in this State, be and the same are hereby declared to be legal and valid in all courts of law and equity in this State, anything in the law of the Territory or the State of Iowa in regard to acknowledgments to the contrary notwithstanding." The following section of the act provided, moreover, that even where the officer taking the acknowledgment had failed to affix his seal, the acknowledgment should nevertheless be considered as good and valid both at law and equity. Thus it is apparent that the pro-

posed measure was very broad in its scope, so much so that in the opinion of the Governor it would have provoked litigation rather than eliminated it. He said, also, that legalizing acts, at best, were of doubtful expediency and he was persuaded that a measure so general as the one proposed should not receive the sanction of the legislature.<sup>98</sup> In this opinion the members of the Senate did not concur, for a motion to pass the bill over the Governor's veto was carried by a vote of twenty-seven to eleven. There is no record, however, that such a motion was presented in the House. At any rate the bill never became a law.

Following the date of this veto a period of six years elapsed during which no bill met with executive disapproval. In the meanwhile, Governor Sherman had completed his four years of service and had been succeeded by William Larrabee, who became Governor in January, 1886. It was not until the beginning of Governor Larrabee's second term (in April, 1888) that the next measure objectionable to the executive was passed by the General Assembly.

This was a bill to amend a law of the Eighteenth General Assembly regulating the "good time" of prisoners in the penitentiaries of the State. It appears that this was a bill of general application attempting to reduce the length of time which criminals, already convicted of crime, should be required to serve in the State penitentiaries. As was pointed out in the veto message, the bill, had it become a law, would have resulted in the discharge from the penitentiaries during the first year of about sixty convicts over and above those whose terms expired during the same period under the then existing law. The Governor said that he could not consent to such a wholesale disturbance of the judgments of the courts.

<sup>98</sup> *Senate Journal*, 1882, pp. 472, 473, 481.

He pointed out, moreover, that the State Constitution declared that there should be three branches of government and that no person charged with the exercise of powers within one department should exercise any function belonging to either of the others. The proposed bill, he said, was an attempt on the part of the legislature to exercise executive power in the granting of reprieves, commutations, and pardons. With these objections the Governor sent the proposed measure to the office of the Secretary of State, the bill having been presented to him for his approval on the last day of the legislative session.<sup>99</sup>

Another bill presented to the Governor at the same time was one attempting to repeal a law of the Seventeenth General Assembly relative to the taxation of telegraph and telephone lines and to enact a new law in lieu thereof. The existing law provided that officers of telegraph and telephone lines should file annual reports with the State Auditor, and that with these reports as a basis the State Board of Equalization should assess the companies, and that the taxes thus levied should be payable into the State treasury. The purpose of the proposed law was to make such taxes payable to local rather than State officers. To carry out the provision of the act would have required a survey of all the lines in the State, having regard for the boundaries of all counties, townships, and municipalities, together with an inventory of all properties in each of these divisions. Governor Larrabee pointed out the fact that an "imperfect compliance with these requirements would result in much confusion and litigation, while on the other hand a strict compliance therewith would not only entail upon the owners of such lines or those operating them an unusual burden of trouble and expense, but would greatly increase the labor

<sup>99</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 198-202.

and expense incident to the public officers of the State.”<sup>100</sup> He contended, moreover, that there was no sufficient reason for making the change, and that the benefits to be derived would in no case compensate for the disadvantages. The legislature having adjourned, this bill was sent with the previous one to the office of the Secretary of State.

In January, 1890, Horace Boies of Waterloo became Governor of Iowa. It was during his second term, in March, 1892, that he received from the legislature the only bill vetoed during the four years of his administration. This was a bill for “an act to protect the makers of negotiable instruments in certain cases.” The exact form of this bill is not preserved in the journals, but from extrinsic evidences it appears that it dealt with notes taken by peddlers and other itinerant vendors. Thus an attempted substitute for the first section of the bill provided that notes taken by any peddler for the purchase price of “any patent, patent right, patent medicines, lightening rods, goods, wares or merchandise, and all notes taken by any insurance agent for the premium on any policy of insurance” should contain a statement of the consideration for which the note was given, and that any subsequent holder would be presumed to have taken the same with notice of all defenses. It was further provided that any peddler or agent taking such a note without indicating on the face such consideration would be deemed guilty of a felony.

It is apparent that members of the legislature were not entirely satisfied with the bill. One of the members of the House explained his attitude by saying that “I cannot support this bill for the reason that it discriminates against a class, who as a rule are doing legitimate business, and deprives them from the right guaranteed by the constitution,

<sup>100</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 202-205.

both of the state and the nation, and is class legislation of the worst type."<sup>101</sup> Governor Boies interpreted the measure as being in conflict with the fourteenth amendment of the Federal Constitution. He said that such a bill if passed would both abridge the privileges and immunities of citizens, and deny the parties affected "the equal protection of the laws." Other objections to the measure were found and recorded in the veto message which, together with the bill itself, was sent to the Senate.<sup>102</sup>

Frank D. Jackson was elected Governor of the State in the fall of 1893, and entered upon his duties in January of the following year. On the sixth day of April, 1894, the last day of the session of the Twenty-fifth General Assembly, there was presented for his approval a bill relative to fraternal beneficiary societies. The seventh section of this bill prescribed the manner in which a fraternal beneficiary society should be incorporated. In drafting the bill the legislators used the following words: "and when at least . . . . . hundred persons have subscribed in writing". When the measure was sent to the Governor he pointed out the fact that the bill was incomplete and uncertain for the reason that the number of subscribers had not been supplied. He said that without this number the bill was void and that since it was a legislative enactment the number could not be supplied by the executive.

The ninth section of the bill was equally objectionable. It provided in effect that a member of the society in order to secure the benefits of the organization must pay all assessments himself, that is, there could be no agreement between a member and his beneficiary whereby the beneficiary should pay the assessments. The Governor interpreted this as meaning that a member, becoming ill and unable to pay

<sup>101</sup> *House Journal*, 1892, pp. 624, 625.

<sup>102</sup> *Senate Journal*, 1892, pp. 699-701.

his assessments in person, could not arrange with a friend to pay the dues and thereby retain the benefits of the organization. Upon these two grounds he vetoed the measure and deposited it in the office of the Secretary of State.<sup>103</sup>

The next measure to call forth the exercise of the executive veto was passed by the General Assembly in April, 1896, during the administration of Governor Francis M. Drake. This bill was designed to amend a section of a law passed by the Twenty-fourth General Assembly, relative to the establishment of a board of park commissioners in certain cities of the first class. The attempt was to make the law applicable "to all cities which had a population of 25,000 at the state election in 1895."

The Governor was in favor of the principle involved in the bill, but considered it unconstitutional on the ground that it was a piece of special legislation. In order that he might not err in this matter, he submitted the question to Attorney General Milton Remley, who concurred in the opinion of the Governor, and suggested that the bill be amended by striking out the words "at the time of the state election in 1895". In this way, he said, the constitutional objection could be overcome. Upon the receipt of this communication from the Attorney General, Governor Drake returned the bill, together with Mr. Remley's letter, to the House where the bill had originated.<sup>104</sup>

In January, 1898, Leslie M. Shaw became Governor, serving in that office for a term of four years. During this time two bills were vetoed. The first of these was a measure attempting to amend section 4045 of the *Code of 1897* dealing with redemption, which provided that the "debtor may redeem real property at any time within one year from the

<sup>103</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VII, pp. 58-61.

<sup>104</sup> *House Journal*, 1896, pp. 1193, 1194.

date of sale, and will in the meantime be entitled to the possession thereof." The proposed measure was an attempt to add the words "any provision in any contract to the contrary notwithstanding."

The Governor considered this measure unconstitutional because it was an abridgment of the right of contract. He expressed his desire to protect the unfortunate debtor in every possible way, but considered it as neither wise nor constitutional to deprive him of a free disposition of his property and of an opportunity to save "at least a pittance out of the remnant of his property."<sup>105</sup>

The other measure disapproved by Governor Shaw was an act to amend the laws of the State relative to insurance. Section 1742 of the *Code of 1897* provided in substance that in any action brought on any policy of insurance for the loss of any building insured, the amount stated in the policy should be received as *prima facie* evidence of the value of the property, but that evidence might be introduced to show the real value, and that the insurance company was liable for the amount of the actual loss, provided that amount did not exceed the sum stipulated in the policy.<sup>106</sup> It appears that the proposed measure was an attempt to make the insurance company liable for the full face value of the policy, regardless of the actual value of the property. The bill was passed by the General Assembly and presented to the Governor during the last three days of the session. Governor Shaw was of the opinion that the proposed law would enable unscrupulous parties to insure property for a sum exceeding its value and then to cause the destruction of the property as a means of financial gain to themselves. This he contended would not only increase fraud and crime, but

<sup>105</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VII, pp. 371, 372.

<sup>106</sup> *Code of 1897*, Sec. 1742.



would materially increase the rate which the insurance companies would be obliged to charge in order to continue in business.

During the thirty days which were allowed by the Constitution for the consideration of the merits of the bill Governor Shaw collected a large mass of evidence from other States, all of which tended to substantiate his view concerning the objectionable features of the proposed law. Thus he showed that in the State of Missouri where a similar law was in operation the rate of insurance was much higher than in Iowa, and moreover, that since the enactment of the Missouri law there had been a material increase in the annual loss by fire. Aside from data collected from States where laws similar to the proposed measure were in operation, Governor Shaw quoted at length from messages of various Governors in neighboring States where such laws had recently been vetoed. All of this evidence, together with the proposed bill, was deposited in the office of the Secretary of State. The Governor explained, however, that if upon further consideration the General Assembly should deem it wise to reenact the bill he would offer no further opposition to the measure.<sup>107</sup>

Albert B. Cummins was elected Governor in the fall of 1901, and entered upon the duties of office on the sixteenth of January in the following year. On February 5th Senator F. M. Molsberry introduced a bill to amend section 1611 of the *Code of 1897*.<sup>108</sup> The existing law provided that the indebtedness of corporations should be limited, and that in no case, except in risks of insurance companies, should the amount of indebtedness exceed two-thirds of the capital stock of the corporation.<sup>109</sup> The bill under consideration

<sup>107</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VII, pp. 372-391.

<sup>108</sup> *Senate Journal*, 1902, p. 177.

<sup>109</sup> *Code of 1897*, Sec. 1611.

was an attempt to remove this restriction in so far as it applied to any "railroad corporation owning or operating a railroad or railroads in this and any other state."

Governor Cummins objected to this measure, first, because it was a piece of special legislation, applying only to those corporations which owned and operated railroads lying partly within and partly without the State, and did not apply to railroads wholly within the State. A second objection was that the bill applied only to corporations "owning or operating" railroads and left out of consideration any corporation that might wish to construct a new road. In the third place he was opposed to the measure because he believed it to be against the best interest of the State to allow any corporation to incur unlimited liabilities. With these objections he returned the proposed measure to the Senate where it had originated. There was a motion to pass the bill over the veto but this motion was lost by a unanimous ballot of thirty-seven votes.<sup>110</sup>

At the close of the session of the Twenty-ninth General Assembly, on April 11, 1902, there was left in the hands of the Governor a bill, the purpose of which was to amend the law with reference to notes taken for insurance policies. The law as it then existed provided that any note taken for insurance, in any company doing business in the State, should show upon its face that it had been taken for insurance, and that such a note should not be collectible unless the company and its agent had fully complied with the law relative to insurance.<sup>111</sup> The bill under consideration was an attempt to amend the law in such a way as to make notes for insurance payable only in the county where the maker resided at the time of executing the note.<sup>112</sup>

<sup>110</sup> *Senate Journal*, 1902, pp. 786-791, 886, 887.

<sup>111</sup> *Code of 1897*, Sec. 1726.

<sup>112</sup> *House Journal*, 1902, p. 244.

Governor Cummins considered this measure unconstitutional, because it impaired the obligation of contracts and made an artificial classification of insurance companies. He accordingly sent the bill to the office of Secretary of State, setting forth the reasons for his disapproval.<sup>113</sup>

A period of four years now elapsed before the right of executive veto was again exercised. On March 29, 1906, Senator Smith of Mitchell County introduced a bill to amend the Code relative to railway rates. The existing law provided that it should be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers for a short than for a long distance. It provided further that freight rates should be fair and just, compared with the rate charged for similar kinds of freight transportation.<sup>114</sup>

Governor Cummins, in his message to the Thirty-first General Assembly, had recommended a change in this law in so far as it applied to passenger rates, but not in its application to freight rates. The bill introduced by Senator Smith was drawn, however, in such a way as to change the law with regard to both passenger and freight rates. In this form it passed the two houses and at the close of the session was left in the hands of the Governor for his consideration. A few days later, on May 5th, Governor Cummins sent the proposed measure, together with a veto message, to the office of the Secretary of State, saying: "If the bill had been restricted to passenger rates it would be unobjectionable, but the introduction of freight rates makes so radical a change in the law as it has existed in the state for eighteen years that I am not prepared to approve it."<sup>115</sup>

<sup>113</sup> Manuscript copy of veto message, May, 1902, in the office of the Secretary of State, Des Moines.

<sup>114</sup> *Code of 1897*, Sec. 2126.

<sup>115</sup> Manuscript copy of veto message, May 5, 1906, in the office of the Secretary of State, Des Moines.

During the session of the Thirty-second General Assembly, in 1907, four bills were introduced which were found to be objectionable to the Governor. The first of these was introduced in the Senate in February, 1907, and was designed to amend the law with reference to the custodian of State documents and publications. Section one, chapter five of the laws of the Thirtieth General Assembly provided that the Secretary of State should act as custodian.<sup>116</sup> The second sentence of this section began with the word "he" referring to the Secretary of State and the provisions which followed related to his powers and duties. The adoption of the measure as proposed would have changed the construction in such a way as to make the word "he" refer to the "document librarian" and thus place a new meaning upon the entire section. Such a change was evidently not the intent of the legislators.

Another objectionable feature of the bill was the fact that it prescribed the salary to be paid to certain employees. It had long been the policy of the State to leave this matter with the Committee on Retrenchment and Reform. The Governor thought this policy a wise one, and one from which there should be no departure. Upon these two grounds he vetoed the measure.<sup>117</sup>

The second bill vetoed during this legislative session was one introduced in the House by Representative Willard C. Earle of Allamakee County, and was an attempt to amend the law with reference to the care and propagation of fish.<sup>118</sup> Section 2540 of the *Code Supplement of 1907* prohibits the taking from the waters of the State any bass, catfish, wall-eyed pike, or trout less than six inches in length.<sup>119</sup> The

<sup>116</sup> *Laws of Iowa*, 1904, p. 4.

<sup>117</sup> *Senate Journal*, 1907, pp. 848, 849.

<sup>118</sup> *House Journal*, 1907, p. 673.

<sup>119</sup> *Code Supplement of 1907*, Sec. 2540.

fourth section of the proposed bill provided that it should be unlawful for any person to take from the boundary waters of the State, or to buy or sell, or have in his possession any bass less than eight inches, any pike less than fourteen inches, or any catfish less than ten inches in length. Governor Cummins interpreted the Code section as referring only to the interior waters of the State, and expressed a doubt as to whether the legislature could fix the terms upon which fish could be taken from the boundary rivers. A more serious objection to the bill was found, however, in the fact that if it should become a law sportsmen could take from interior waters bass, catfish, pike, or trout of six inches or more in length, but could not take them from the boundary rivers unless they were of the size prescribed in section four of the bill. This was clearly a discrimination for which there was no reason.

The Governor showed a further incongruity in the bill when he said that "if a person is about to buy, say, a wall-eyed pike, and he finds one in the market twelve inches long it would be lawful for him to buy it, if it came from the interior waters, but he would be a criminal if it happened to come from boundary waters." This was clearly not the intent of the legislators and accordingly the Governor returned the measure without his signature.<sup>120</sup>

On February 7, 1907, Senator Jamison of Clarke County introduced a bill for an act to amend the Code relating to the distribution of dividends on stock in stock companies writing participating life insurance policies.<sup>121</sup> The bill provided that no stock life insurance company organized under the laws of the State of Iowa, and writing participating life insurance policies upon the level premium plan, should be permitted to declare and pay to its stockholders

<sup>120</sup> *House Journal*, 1907, pp. 1383, 1384.

<sup>121</sup> *Senate Journal*, 1907, p. 214.

from the surplus accumulations of such participating policies any dividends exceeding eight per cent per annum of the face of such paid-up capital stock.

It is clear from a reading of the bill that it applied to policies already written, and to dividends already accrued. In this form the measure was unconstitutional in that it violated the obligation of existing contracts. Governor Cummins after quoting the provisions of the bill said:

If the language I have quoted embraced only accumulations hereafter made, the validity of the bill would be doubtful, for I gravely question whether it is within the power of the legislature to disturb the effect of contracts already in existence; but it will be observed that it embraces not only accumulations hereafter to be made upon policies already in existence, but accumulations now in the hands of insurance companies and which, by virtue of existing contracts, may belong absolutely to the stockholders.

The Governor pointed out other objections to the measure, and as it had been left with him at the close of the session he sent it together with his veto to the office of the Secretary of State.<sup>122</sup>

The last bill of the Thirty-second General Assembly to meet with the Governor's disapproval, and also the last measure vetoed by Governor Cummins was a bill the purpose of which was to prohibit the discharge into the open air of dense smoke within the corporate limits of cities having a population of fifty thousand.

The provision with regard to population made the measure apply only to the city of Des Moines. Governor Cummins pointed out the fact that although this kind of special legislation had been upheld by the courts, yet it did not comply with the spirit of the Constitution. Another and more serious objection to the bill was found in the fact that

<sup>122</sup> Manuscript copy of veto message, May 2, 1907, in the office of the Secretary of State, Des Moines.

it was too drastic. With regard to this point the Governor said:

If the bill before me had sufficient flexibility so that only those who unnecessarily fill the air with smoke would incur the penalty of the measure, I would unhesitatingly give it my approval; but it positively declares that anyone who is responsible for the emission of dense smoke into the air is guilty of a misdemeanor, and may be fined not less than twenty-five dollars nor more than one hundred dollars for each day upon which the offense is committed. Construed as the bill must be construed by any court, it would make every householder or owner of a heating or power plant in the city of Des Moines a criminal nearly every day in the year.<sup>123</sup>

The Governor pointed out furthermore that the matter could be controlled by city ordinance and that it was not necessary to place such a measure on the statute books of the State. The bill having been left in the hands of the Governor at the close of the session, he sent it, together with the veto message, to the office of the Secretary of State.

In November, 1908, Governor Cummins resigned his office to accept a seat in the United States Senate. He was succeeded by Warren Garst, who had previously been filling the office of Lieutenant Governor. Governor Garst remained in office until January 14, 1909, but during this time no bills were vetoed.

The next Governor was Beryl F. Carroll, who served two terms, from 1909 to 1913. Two bills were vetoed during this period. The first of these provided for an amendment to the Code with reference to the nomination of candidates for the United States Senate. This measure was an attempt to provide for the nomination of Senators by a more direct method than that provided for in the Federal Constitution, and to introduce what is commonly known as the Oregon plan of nomination. Governor Carroll objected to

<sup>123</sup> Manuscript copy of veto message, May 7, 1907, in the office of the Secretary of State, Des Moines.

the measure because he interpreted it as not complying with the spirit and content of the Federal Constitution. He referred to the provisions of the Constitution and contended that the State should not directly or indirectly take itself from under any of the provisions of the Constitution except by consent of three-fourths of the States, and that whatever provisions applied to one State should apply alike to all and be observed by all. "The state of Iowa", he said, "has no more right to alter, change, modify or in any way limit or restrict the constitutional method of electing senators in Congress without the consent and authority from other states, as provided by the constitution, than Illinois or New York has to circumvent any other provision of the constitution."

The Governor expressed a belief that the entire measure was an effort to accomplish indirectly something which could not be done directly, and as such he considered it an attempt to evade the Constitution. He accordingly returned the bill to the House without his signature.<sup>124</sup>

The second bill vetoed by Governor Carroll was drafted with a view to amend the law relative to the passing of vehicles on the public highway. This measure was introduced in the House of Representatives on January 12, 1911. A little later a substitute measure was adopted, and this in turn was amended. The bill as finally presented to the Governor provided that whenever a person on horseback or in a vehicle, including a motor vehicle, should meet another person on horseback or in a vehicle each person should turn to the right, giving at least half of the road-way, when possible. It provided further that whenever a person should overtake another on the public highway, the person overtaken should upon signal or request, turn to the right, al-

<sup>124</sup> *House Journal*, 1911, pp. 596-599.



lowing a free passage-way of eight feet on the left, if such were possible. The bill also stipulated that a failure to comply with the provisions of the act would render the delinquent liable for all damages which might result therefrom and in addition to a fine of one hundred dollars. Moreover, the offender might be committed to the county jail until such fine and costs were paid.<sup>125</sup>

Governor Carroll believed the measure to be too drastic and one that would lead to abuse and litigation. Accordingly on May 5th he vetoed the bill and sent it to the office of the Secretary of State.<sup>126</sup>

On January 16th, 1913, George W. Clarke became Governor of the State. During the four years of his administration only one bill was vetoed. This measure originated as a result of the foot and mouth disease among the live stock of the State, and was designed to limit the quarantine of live stock in Iowa to a zone of three miles around an infected farm.

Prior to this time the law provided that the Commission of Animal Health should have plenary powers with reference to the prevention, suppression or spread of disease among animals, and for quarantining against diseased animals. The proposed measure if enacted would have taken away the discretionary power of the Commission. In the words of Governor Clarke it would have substituted "unskilled and non-expert opinion for skill and expert knowledge. The statute", he continued, "is unyielding, inelastic. It assumes to comprehend all knowledge and speak the last word upon the subject of preventing by quarantine the spread of the foot-and-mouth disease among animals."

As a further objection to the measure the Governor called

<sup>125</sup> *House Journal*, 1911, pp. 68, 277, 355, 359, 360.

<sup>126</sup> Manuscript copy of veto message, May 5, 1911, in the office of the Secretary of State, Des Moines.

attention to the fact that the Department of Agriculture did not approve of the provisions of the bill, and that its enforcement might result in throwing the entire State into quarantine. He pointed out the danger of a law that did not coincide with the plans of the Federal Government, and urged the importance of coöperation with the Department of Agriculture in suppressing disease. Because of the several objections he refused to sign the measure, but sent it to the Secretary of State. In concluding his veto message the Governor said:

Thus does every consideration suggest and every authority condemn this bill as unwise. The live-stock industry of Iowa is too great, and its relation to the country as a whole too vast for the State to take even a doubtful position.<sup>127</sup>

#### CONCLUSION

In reviewing the history of the executive veto in Iowa, it is evident that in recent years this power has been exercised much less frequently than during the Territorial period and the years immediately following. Moreover, it appears that no bill in recent years has been passed by a two-thirds vote over the Governor's veto, while such a procedure was not uncommon during the closing years of the Territorial period.

Since Iowa became a Territory in 1838 seventy-nine bills have been vetoed. Of this number twenty-two were vetoed during the Territorial period. Fifteen of these were vetoed by Governor Robert Lucas, and eleven of them during the year 1839. Four of the seventy-nine bills were passed over the Governor's veto, one during the administration of Robert Lucas, the other three during the administration of Governor Chambers. Several bills were rewritten and

<sup>127</sup> Manuscript copy of veto message, May 15, 1915, in the office of the Secretary of State, Des Moines.

passed in another form; while one bill, relative to the calling of a convention to amend the Constitution in 1853, was rewritten and the new bill failed to meet with the Governor's approval. Three executives, Governor Newbold, Governor Gear, and Governor Garst completed their periods of service without vetoing any bills.

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## HISTORY AND CONSTITUTION OF THE ICARIAN COMMUNITY

[An interesting chapter in the history of Iowa is the story of the Icarian colony in Adams County. The following pages contain a translation of a small book of ninety-six pages, entitled *The History of the Colony or Republic of Icaria in the United States of America*, written by Etienne Cabet, the founder of the Community. The copy which was used was of the second edition published in Paris in 1855. The book was found in the library of the Historical Department of Iowa at Des Moines. While only incidentally touching upon the existence of the colony in Iowa, the material in the following pages furnishes the necessary background for the history of the colony in this State.—THOMAS TEAKLE]

### A GENERAL IDEA OF THE ICARIAN COLONY.

The Icarian Colony in America was founded for the purpose of clearing, cultivating and subduing the wilderness, while establishing there all useful industries for the production and manufacture of all that is needed for a people; of creating a State; of creating first one Commune, then others successively; of procuring the well-being of all while working; of offering an asylum for the proscribed Republicans who may adopt its principles while combining the necessary qualities and conditions for membership; of making an experiment, in the interest of Humanity, to determine the best system of political and social organization which will be the most favorable to progress and the most capable of securing the happiness of the Human Race.

To accomplish these ends, *the system of the Icarian Colony* (applied to a country called *Icaria* in the work published under the title of a *Journey in Icaria*) appears to be the best. It is the system that will be tried at first.

This colony does not resemble any other since it has for

its purpose not alone the interest and happiness of its members but also that of humanity as a whole.

It is planned that it shall be neither exclusively French nor German, American nor English. It is *Universal*, in the sense that it admits emigrants from all countries, provided they adopt its principles, its system, its social contract or constitution and laws, and agree to the conditions of admission explained hereafter.

In discussing the Colony, there will first be related a few facts concerning the history of the Community and the preparative station at Nauvoo up to the present time. Next will be given a general idea of the Icarian system as it seems to be adapted either to a State or a Commune. Then the Icarian Constitution will be discussed as well as the law respecting the General Assembly, together with the conditions, form and effect of admission. Finally, in a separate prospectus, will be indicated the precautions to take either in preparing for the journey or for the *trip* from Europe to America.

#### CHAPTER I.

##### SOME FACTS CONCERNING THE HISTORY OF ICARIA.

##### CONVERSION TO COMMUNISM.

During an exile of five years, from 1834 to 1839 (for having said that the system of Louis Philippe would inevitably lead to bloodshed and ruin), Cabet gave all his time, while in London, to the writing of works which he believed were the most useful to the People. During this time he wrote three short, popular histories — a *Universal History*, a *History of England*, and a *History of the French Revolution*.

History exhibits on every page only disorders and calamities. Cabet sought for the cause and the remedy as well. He saw the *cause* in a *bad social organization*, and the *remedy* in a *better one*.

Seeing everywhere and always the war between *Aristoc-*

*racy* and *Democracy*, he decided that, in order to establish peace, it would be necessary to abolish one of the two belligerents, giving the preference to *Democracy*. And as he saw nowhere a great organized *Democracy*, he sought for a means of organizing a nation in the form of a Democracy.

He soon found it to be impossible to organize a Democracy with *opulence* and *poverty*, with rich and poor and with inequality of fortune. Thus he became convinced that it was impossible to establish equality of fortune, plenty and happiness without *Community of Property*.

He then tried to organize, on paper, a great Community (a Commune, a State). He was soon convinced that Communism would completely solve all social questions; that it was realizable, possible and even easy if one willed it; that it would realize immense *savings* and greatly increase *production*; while it would assure plenty, well-being and happiness for all citizens and all men.

He consulted all ancient and modern philosophies and went through all the great philosophic works in the great Library of London. He discovered with as much joy as surprise that all, with Christ at the head, admitted that *Communism* was the best social system. He then wrote his *Journey in Icaria*.

#### JOURNEY IN ICARIA.

This is a relation of an imaginary journey, much like Plato's *Republic*, John's *Apocalypse*, Augustine's *City of God*, Thomas More's *Utopia*, or Campanella's *City of the Sun*.

Though in the form of a *Journey* or of a *romance*, it is in reality a description of the political and social organization of the Community. It is further a *scientific and philosophical treatise* couched in the most obvious, intelligent and popular form.

The work is divided into three parts.

*Part I.*—The first 6 chapters contain the actual dangers and pleasures of the Journey in Icaria; a glance at the towns, the roads, the inns, the country, the political and social organization, and a description of Icaria, the capital.

Chapters 7 to 16 treat of the food, dress, homes, and Education; of the Organization of labor and industry; of health, doctors and hospitals; of writers and men of learning, judges, lawyers, etc.; and of women's workshops and the romans[?].

Chapters 17 to 19 concern Agriculture and Commerce.

Chapters 20 and 37 deal with Religion.

Chapters 21 to 26 treat of the political Organization and newspapers.

Chapters 15 and 27 are concerned with marriage.

Chapters 28 to 35 relate to recreations, theatres, holidays and games.

Chapter 40 concerns women in general.

Chapters 36 to 42 concern the relations of the colonists and foreigners.

*Part II.*—The first 3 chapters discuss the faults of the old political and social Organizations.

Chapters 4 to 6 treat of the establishment of the Community within an old society and of the transitory régime.

Chapters 7 and 8 contain a statement of objections that have been made to the Icarian plan, together with their refutation.

Chapters 9 and 10 contain a historical description of the progress of Democracy and Equality.

Chapter 11 contains a view of the development of industry.

Chapters 12 and 13 contain the opinions of Philosophers concerning the Community.

Chapter 14 contains a discussion of the future welfare of Humanity.

*Part III.*—The Doctrines and Principles of the Community.

In order to prove that Icarian Communism is the same thing as Christianity, Cabet wrote the *True Christianity*.

#### TRUE CHRISTIANITY.

This work is divided into 2 parts.

The *1st part* or *introduction* explains the religious ideas held by the first *Peoples*, the Egyptians, the Hebrews and Moses with something of the history of the Jews and of John the Baptist.

The *2nd part* contains:— A glance at the history of Jesus Christ from His birth to His preaching; His *teaching* concerning God, the reign of God, Brotherhood, Equality, Liberty, Democracy, Unity, Association, wealth and poverty, work and wages, community of goods.

It also contains the *Ethics* of Christ — His ideas upon the future life, His *Religion* and His *Creed*.

It has also a relation of His preaching, triumph, anguish, and resurrection; the story of the Apostles, their Communism, their writings — Gospels and Epistles; some comments upon the Church Fathers; and finally an identification of Communism with Christianity.

#### OTHER WORKS OF CABET.

Upon returning from exile, Cabet published his popular History of the French Revolution (in 4 volumes), 6 political pamphlets dealing with the crisis of 1840, together with five pamphlets against prisons and the bombardment of Barcelona.

Later, he published from 30 to 40 pamphlets to explain further his Icarian Communism. Among these were: Why I am a Communist; My Communistic Creed; 12 Letters of a Communist to a Reformer concerning the Community; My Proper Path; The Citizen's Guide; The Communistic



Propaganda; Woman; The Laborer; Status of the Social Question; Short Popular Discussions; The Icarian Almanac, since 1843; the newspaper, the Populaire, since 1841.

For the purpose of refuting all objections, criticisms, and attacks, he published the Refutation of the Friend of Mankind; The Refutation of the Workshop; Refutation of the Abbe Constant; Democracy becomes Communism in Spite of Itself; The Challenge to Communism; Safety or Ruin; The Social Cataclysm; The Whole Truth for the People; The Veil Lifted; The Mask Torn Away; Down with the Communists; The Inconsistencies of Lamennais; Water upon Fire, a Reply to Carmenin; Biography of Citizen Cabet.

Since 1848, he has published Good and Evil, Danger and Safety; Eleven Talks on fraternal Society; The Insurrection of June; The Realization of the Community; A Letter to the Archbishop of Paris; Two Letters to Louis Napoleon; My Trial and My Acquittal.

#### PROPAGANDA.

Convinced that such a Communistic system based on Brotherhood could not be set up through violence and compulsion, Cabet adopted, after the example of Christ, a lawful and pacific propaganda. He wished the Community to be established through persuasion, conviction and the free consent of the individual. He addressed himself only to public opinion. He exhorted the people to renounce secret societies, plots, mutiny and insurrection, clinging only to self-improvement and moral reflection, for the purpose of preparing themselves for the life of the Community.

This doctrine of the Icarian Community and of Brotherhood, this lawful and peaceful propaganda, was completely successful as was attested by its having more conversions than any other teaching of the day.

After only six years of propagandist writing, the mass of

the working classes, especially in the large cities, and the best of the workers in each industry, became Icarians.

And if the Government had permitted Cabet to give talks or oral and public explanations in the popular assemblies, either in Paris or in the departments as was granted the Fourierists, there is scarcely any doubt that the population today would be generally converted to Icarian Communism.

And even if he had been granted the permission to try the Community in France, he certainly would have found all the Icarians and money necessary to found one or many Icarian Communities in France, and the problem of the suppression of misery, pauperism and the proletariat would have been solved.

#### PERSECUTION.

But the Government, the Aristocracy, the privileged classes, the guardians of the old abuses, and the higher clergy, aligned themselves for the purpose of slandering and persecuting the Icarians, as formerly the Pharisees and Pagans had slandered and persecuted the Christians.

The revolutionary party itself, especially the *National* party and the one of *Reform*, united with the enemies of the Icarians to slander and persecute them on account of their *lawful and peaceful* propaganda.

While the first proscribed the Icarians as revolutionists, the second proscribed them as anti-revolutionists.

#### EMIGRATION TO AMERICA.

Then, to avoid this general persecution, Cabet invoked, in May, 1847, these words of Jesus Christ to his disciples: "If they persecute you in one city, go you into another."

And he proposed emigration for the courageous purpose of founding Icaria in an American wilderness.

The founding of Icaria in America, on the other side of the seas, two or three thousand leagues away, in a new cli-

mate, in a waste region where all would need to be created, side by side with men of an alien tongue, would be a more costly and difficult enterprise than it would have been in France.

The proposition also raised many objections and much opposition. But Cabet replied to all: "Nothing can frighten or dissuade the Icarians, who will heed only their *devotion* to Humanity." Upon February 3, 1848, there left for Texas (where more than a thousand acres of ground had been granted to the north-west along the Red River) the first Advance Guard, comprising seventy men, whom Cabet greeted with the title *Soldiers of Humanity*, entrusted with exploration, selection and preparation.

Other similar Advance Guards were to follow the first at fortnightly intervals. The families of the members of the Advance Guards as well as Cabet, were to leave in the following September.

But the revolution of February 24, 1848, came suddenly, overthrowing all plans and destroying all their means.

#### REVOLUTION OF FEBRUARY 24, 1848.

The Icarians everywhere and at all times proved themselves courageous and devoted. Everywhere they were applauded for their brave, generous, disinterested conduct.

Upon the twenty-fifth Cabet had posted upon all the walls of Paris a proclamation, since become celebrated, in which he urged all to unite in support of the provisional Government; to act with moderation and generosity (no vengeance, no striking at property); to postpone the carrying out of the Icarian system and to act only as Frenchmen, Patriots, Democrats and Republicans. It has been admitted since that perhaps greater service had never been rendered by the Society.

But many Icarians hoping for progress in France as the result of the Revolution, no longer wished to emigrate;

many others were ruined and could neither leave nor make such a sacrifice as was required, while persecution everywhere paralyzed all.

#### NEW PERSECUTION.

It is horrible! The men of the *National* and of the *Reform* Parties, for a long time the enemies of the Icarians because they were peaceful, had secured control of the provisional Government, and found themselves yet the enemies of the Communists either through rancor and vengeance or because they wished a *bourgeoisie* Republic, while the Icarians demanded a *popular* or *democratic* Republic.

During the first days of the Revolution they adopted against the Icarians, not alone in Paris, but in all France, an extensive *system* of *slander* and *persecution* in order to exclude them from elections and employment, from the national guard and the national Assembly. The Communists were treated as Pariahs or outlaws. On April 16th the Government published or permitted to be published, through the Reactionary army, the propaganda —“*Down with the Communists, Death to Cabet.*” The awful events of the 15th of May and the 23rd of June were perfidiously attributed to the Communists; the direction of all the movements was imputed falsely and traitorously to Cabet; warrants were issued against him; he was continually threatened with assassination and forced to remain in hiding.

However, in spite of these frightful difficulties, two other Advance Guards and four large convoys of families, about five hundred Icarians in all, left for Texas in 1848. The 2nd Advance Guard then rejoined the 1st.

But these Advance Guards upon arriving at New Orleans, met there the first two Advance Guards who were returning from Texas.

## THE RETURN OF THE FIRST TWO ADVANCE GUARDS.

The first Advance Guard carried away by Cabet's enthusiasm and fervency neglected his warnings and advice and exposed themselves too much to fatigue and the hot sun of this region. These first Communists deprived of news from France, frightened by the disasters of April, May and June, by false and sinister rumors and especially that of the death of Cabet by assassination, and demoralized by a fever which claimed some victims, unfortunately abandoned Texas and returned to New Orleans with the second Advance Guard at a time when the others were arriving in their turn from France.

The disheartening news of this deplorable retreat which all preceding advices prevented foreseeing, came, like a thunderbolt, to strike Cabet at the moment when he was being persecuted before a court which condemned him to a month's imprisonment because, in May, 1848, some guns had been found in the office of the *Populaire*. However, he left immediately and not without difficulty, declaring from or at Boulogne, that he would return for the purpose of giving himself up.

## DEPARTURE OF CABET.

He left Paris on December 13, 1848, during the winter, since London, Liverpool, New York and New Orleans were being ravaged by the Cholera, arriving at the latter city on January 19, 1849.

Upon his arrival he called a general Assembly and demanded a full explanation. He proposed to abandon the enterprise if such was the unanimous wish or to continue it with those who were determined, by giving two hundred francs to each of those who wished to withdraw.

The majority, 280 (142 men, 74 women, and 64 children) remaining steadfast, about twenty thousand francs was collected to repay those who wished to withdraw, and on March

1st, the former embarked on a steamboat for Nauvoo, on the Mississippi, in the state of Illinois above St. Louis, and in the center of the United States. They selected this town because they could easily reach it by boat, because its climate is healthful, because its soil is fertile, and especially since, having been recently abandoned by the Mormons who wished to secure a wider range of territory in the wilderness, it offers the inestimable advantage of having ready at hand all needed houses and workshops — keeping in mind the idea of moving elsewhere later.

#### PROVISIONAL ESTABLISHMENT AT NAUVOO.

The colonists arrived on March 15th at Nauvoo.

They rented at once some dwelling houses, a farm and some ground.

They purchased a number of buildings, grounds, horses, cattle, etc. Shortly afterward, they bought the remains of the Mormon temple, which had been burned two years before and now had only its four walls standing, with an inclosure of 4 acres, for the purpose of establishing there a School or an Academy.

They roughly organized each day, repairing the old houses and making the most necessary furniture. They established individual apartments, two schools — one for little girls and another for little boys — two infirmaries and a pharmacy, a large kitchen and a dining hall for common meals, a bakery, a butchery, a laundry and scullery.

The gardening and farming were organized at once while the stables and the cattle were provided for. They soon purchased a steam flour mill, with a distillery and a pig-sty, and later added a saw-mill. Boats and fishing-nets were made which proved quite profitable, while the hunt furnished game for the infirmary.

The trades for men were organized — tailoring, shoe and sabot-making, mattress-making, brick-laying, plastering,

carpentering, joinery, turning, wagon-making, coopering, blacksmithing, lock and gun-smithing, sheet iron working, stovesmithing, and tinning, watch-making, weaving, tanning, gardening, farming, wood-cutting, baking, milling, cooking, etc.

Trades for the women were organized such as lace-making, dress-making, washing, ironing, cooking, etc.

A General Assembly was organized together with elections, either for Managers or for the Assembly Committees, for the Director of the workshops or for the Commissioners and officers.

Entertainments and merry makings were organized, as were also the rural recreations. Instrumental and vocal music classes, concerts and theaters, with courses and readings in common were established.

A store was established at St. Louis to sell the products of the shoe-makers, boot-makers, dressmakers, and lace-makers, of the millers and of the distillery.

A coal mine was worked for fuel.

A printing and lithographic office was provided to print all home pamphlets and two newspapers, one in French and one in German.

There was a library, a small collection of physical and chemical apparatus, and a small assortment of hunting weapons.

All members of the Colony work and are distributed among the several shops for men and women.

Each trade or shop selects its managers.

Whenever the farmer calls for an unusual number all necessary help is taken from those shops or trades which can without inconvenience furnish it.

In the summer the work is suspended during the heat of the day.

There are no household servants, each woman having the care of her own household.

All enter and leave the workshops at the same time.

Breakfast, dinner and supper are eaten in common.

Women who are about to be confined or are nursing children may be authorized to work at their homes.

There is equality in meals as elsewhere.

The Managers are the servants of all their brothers.

After supper come the recreations, good times, meetings, courts, General Assembly, discussions.

On Sunday there is instruction in True Christianity, admission of new members, marriages, individual or common promenading with music and country-like meals, good times, a concert and the evening play.

The Colony has a *Constitution*, of 183 articles, deliberated upon during nine meetings and finally accepted unanimously. There was debated and voted upon also during many meetings a law in regard to the General Assembly and one regarding admission to, withdrawal and exclusion from Icarian membership.

The Colony has obtained from the Illinois Legislature an act which incorporates and recognizes the *Icarian Community*.

Twice, unanimously, Cabet has been elected President of the Community and was reëlected a third time in 1852 during his absence, and three times since.

A fire which destroyed one of the barns, a flood that partially destroyed the mill, a storm that blew down the temple walls when their rebuilding had just begun caused some great losses. But a refectory for 800 persons has been built, together with its accompanying kitchen. The construction of a school has also been begun, etc., etc.

Some of the natives (whose commercial interests or prejudices have been offended) show the Colony little goodwill, but the people in general have shown it much sympathy since its arrival. They associate with the Icarians either in



celebrating the anniversary of American independence, or in admitting them into their good times, their banquets, concerts, shows and balls.

Some have died or withdrawn, but there have been marriages (even with daughters of the country), births and recruits. The Icarian Colony today comprises 500 individuals, men, women and children; and but for the Revolution of 1848 it would certainly have been from 10 to 20,000.

But persecution has not been abandoned; it has pursued it from France to America; and in order to destroy the Colony, the Community and Communism, it attempts to morally kill its President and Counsellor.

#### SUIT AGAINST CABET IN PARIS.

We do not fear to state that no one, perhaps, has shown more *devotion* to the cause of the People and of Humanity since 1830 than has Cabet, especially since he left his family in December, 1848, in mid-winter, aged and suffering, to go to the assistance of his brothers 3000 leagues away, braving cholera and the formidable consequences of a first disaster.

No one perhaps has been more slandered and persecuted since 1830, precisely because of his devotion to the People.

We have already spoken of the cries for his death (a shameful thing for France) incited publicly against him on the 16th of April, by the national guard or Reactionaries. A short time before the Revolution of February, he was arrested, at the time of his return from England, and accused either of a conspiracy to dethrone Louis Philippe and take his place or of swindling under the pretext of asking money for the Icarians with the intention of leading them to Icaria. This second accusation so inconsistent with the first, was met by a multitude of protestations from the press and especially from the Icarians and was so absurd that it was unanimously put out of existence by the court of St. Quentin and even abandoned by the public ministry.

But Cabet had no sooner left, in December, 1848, than all the reactionary newspapers, profiting by his remoteness, leagued to overwhelm him with slander and insults.

Forced by the Reactionists, the government began a new prosecution accusing him of swindling, under the pretext that his colony was only a *fictitious, false, imaginary* enterprise for swindling the Icarians, and that his *Journey in Icaria*, his *True Christianity*, his *Populaire*, and his 40 or 50 other pamphlets, had been written and published after ten years of preparation for the purpose of perfecting the swindle. Nothing could be more evidently absurd and monstrous!

Moreover, as soon as the accusation became known, protests broke out from all sides, either from Icarians or from the Colony, or from the accused who demanded time to return from America to France in order to defend himself.

But the true condition of the Icarians was not known to the court nor to the magistrate charged with upholding the accusation and who was going to deny the existence of the Colony at Nauvoo; even to denying the existence of Nauvoo. The correctional court of Paris granted only insufficient delays; it judged Cabet in his absence, declared him guilty under the false pretext that he had no land in Texas, and condemned him to two years imprisonment and the deprivation of his political rights; which thing would prevent his election as deputy.

All the reactionary newspapers in France, even their accomplices in Germany, England and America, published the condemnation as a triumph: "There" said one of them, "is the man who was on the point of making himself dictator in March and April, 1848, condemned as a swindler!"

But hundreds of petitions signed by thousands of Icarians and Democrats in France, England, America, and especially in the Colony, came protesting against the monstrous

iniquity of this condemnation, as disgraceful for France as the cries of *death to Cabet* uttered by the National Guard on April 16th under the eyes of the Provisional Government.

The electors of Paris protested also by choosing Cabet as their candidate, while he was absent, in all the later elections.

He protested himself either by writing several public letters to Louis Napoleon, to lodge a complaint, or to the President of the court for not forbidding judgment by default; or appealing to the higher court while making the return trip from America to France for the purpose of appearing before it, as soon as the progress of the Colony would permit him to leave it without danger to it.

#### RETURN OF CABET TO FRANCE.—HIS TRIUMPH.

Finally on May 15, 1851, he left the Colony for London and Paris, where he arrived after a journey of 3000 leagues by steamboats and railroads during a space of 23 days.

Nearly all his friends in England as well as in America opposed his going, convinced, they said, that it was a political scheme to kill the Colony and Communism or to prevent his election, and that in consequence he was doubtless condemned in advance.

But he persisted, convinced that it would be impossible to condemn him after hearing himself, convinced moreover that his *duty* was to brave the danger of the condemnation, resigned to all, even to martyrdom, and persuaded that the Colony was well enough organized, united enough, courageous and strong enough, to support itself in his absence and even during his imprisonment.

Arrived at Paris, he first gave himself up as a prisoner, for a month; then he appeared before the Court carrying the act by which the Peters Company had ceded to him a million acres of land in Texas.

Among other things, he said and demonstrated to the

Court that, if he had been ambitious and covetous, he would easily have secured all — power, honor and fortune; at first with Louis Philippe; then with Louis Napoleon whom he had known during their common exile in London, in 1838; then with the Provisional Government in 1848; that if, in place of making his proclamation of February 25th to excite the people to moderation and generosity, he had wished to enter into the Provisional Government, he would have done so, and that, in all later events, in March, April, May, his name would always have been written, unknown to him, among the members of a new Government or as a Dictator.

He also made known to the Court some of the leading principles of his Icarian system and doctrine, rapidly relating what he had done in Icaria and proved that no teaching was more moral, pure, more impressed with Humanity and Brotherhood, Equality and Liberty, justice and order, disinterestedness and devotion.

More than once he brought tears to the eyes of his judges; and the public ministry itself was constrained to present him a solemn vote of thanks in the name of society, for the great service he had rendered by his proclamation of the 25th of February.

Finally, after four days of discussion and a defense of four hours presented by the accused himself, in the presence of a large audience, the Court, after hearing all parties, annulled the condemnation through default.

And not one of the newspapers previously opposed to Cabet could forbear confessing that he came out of the combat with all the honors of victory.

And if the Icarians had been free to manifest their feelings by banquets, either in Paris or in the Departments, hundreds of thousands of Communists, Socialists and simple Democrats would have celebrated the victory of their Icarian leader as their common triumph.

## PROSCRIPTION OF CABET AFTER THE SECOND OF DECEMBER.

But while Cabet prepared to return to Icaria, there suddenly blazed out the coup d'état of the 2nd of December. He was forced to hide during more than a month; finally, he was arrested at his home on January 26th, imprisoned in a casemate of Fort Bicêtre; then taken from his prison to be immediately transported by force to England on February 1st, as the *leader of the socialistic school* and as a *political agitator*.

## THE ICARIAN COMMUNE IN FRANCE, OR IN ENGLAND.

An Icarian Commune in France would be very much easier than one in America, because one would avoid: the inconvenience, the fatigues and the enormous expense of transportation upon sea and land for 3000 leagues; the disorders of acclimatization; the difficulties of a strange language; the necessity of constructing everything, of establishing everything in the wilderness; the difficulty of finding, even of purchasing, many machines and things they would need; the difficulty of putting out and selling their products; the difficulty of procuring all scientific and other aids of civilization; the difficulty and slowness of correspondence, etc., etc.

The establishment of a Commune in England would have as many advantages and would be as easy as in France.

It would be even easier, since there is more liberty and independence; more money and greater fortunes; more chances to find the needed loan for such an enterprise.

But there was nothing to hope for in France at this time.

Cabet would have tried it in England, taking all necessary precautions, if he had been able to remain three or four months longer in 1852 to prepare the enterprise; for the ideas of Progress, Reform and Socialism are like generous and human sentiments, more common than one generally believes.

He would not doubt the complete success of an Icarian Commune in England, since the three years experience of the Icarian Colony at Nauvoo gave him the conviction that the Community is completely realizable with Icarians and money; and the complete success of a simple Icarian Commune in England, would determine the success of an Icarian State in America.

#### RETURN OF CABET TO ICARIA.

But Cabet could remain no longer in London; his duty called him to the Icarian Colony in America; he left for the New World in June, 1852, to realize there his first project of a Community in the wilderness.

#### THE ICARIAN COMMUNE IN AMERICA.—ESTABLISHMENT IN THE WILDERNESS.

In 1853, the Icarian Colony, provisionally established at Nauvoo, again took up its forward march into the wilderness. They decided that they would establish themselves in the south-western part of the State of Iowa, where they sent a first advance guard who took possession of the free lands bordering the Nodaway river. Since, we have purchased there nearly 4000 acres, and we are going to have at the end of the summer of 1855, a hundred people settled and nearly one hundred and fifty head of cattle, some hogs, some poultry, etc.

#### STATION AT NAUVOO.

Nauvoo will be maintained as a point of debarkation on the Mississippi, as a place for acclimating, as a place of apprenticeship and probation where emigrants will be received provisionally for trying the commune life; and from which after their definite admission, they will leave for the Icarian Commune.

We will now cast a rapid glance at the Icarian system or doctrine.

## CHAPTER II.

## A GENERAL IDEA OF THE ICARIAN SYSTEM.

## DOCTRINE OR PRINCIPLE.

NATURE.— GOD.— We, Icarian Communists, do not believe that the Universe was the effect of *chance*, and we do like to admit a *first cause* absolutely intelligent and provident, that is called a *Creator, Supreme Being, God, Nature, Providence*.

We believe it to be useless and dangerous to insist upon discovering the origin, form, and essence of this first Cause; *useless* because we are convinced that it is the one *mystery* and human intelligence has not the understanding, or the means, or the necessary faculties to penetrate this mystery; *dangerous* because the examination of these questions leads to discussions which degenerate nearly always into disputes, divisions and even hatreds.

GOD, PERFECTION.— But we consider *God* as the *pre-eminent* and *all-powerful* One, as the *Infinite* and *Perfection* in all.

GOD, FATHER OF THE HUMAN RACE.— We like to consider God as the *Father* of the Human Race, as *love, goodness, justice, indulgence*; we imagine that he is the most perfect Father, the most just, the most tender; that this better Father has only love for his children and that he loves them all equally.

DESTINY OF HUMANITY; HAPPINESS.— We like to admit that God, the most perfect of Fathers, has willed *happiness* for his children on earth. We see that he has lavished all (air, warmth, light, water, earth, with its metals, fruits, and animals) to make us happy in satisfying all our needs (food, lodging, dress, protection, etc., etc.); and we believe that the *instinct, intelligence* and *reason* that he has given us, suffice with his other gifts, to assure the happiness of mankind.

EVIL, MISFORTUNE.—However, the history of all Peoples, in all times, shows us *evil* everywhere; the *wretchedness* of the mass by the side of the opulence of a small minority; *vices* and *crimes* born from opulence as from misery; ignorance and oppression; the exploitation of the Poor by the Rich; the desperation and insurrections of the Poor threatening continually the Rich and troubling their security; murders and criminal punishments; revolutions and reactions ceaselessly leading to new despair, new insurrections, and new calamities. In a word we see Man unfortunate nearly everywhere and always.

But we cannot believe that this must be the destiny of Humanity; we cannot believe that the *evil* must be without *remedy*; for Man is essentially sociable, intelligent and perfectible.

SOCIABILITY, GOOD NATURE.—Man is *sociable* and consequently attracted toward his like, sympathetic, compassionate, affectionate, naturally good.

INTELLIGENCE.—Man is eminently intelligent.

PERFECTIBILITY.—Man is evidently perfectible through experience and education.

But what is the *remedy* for the evil? and first, what is the cause?

CAUSE OF EVIL.—We believe that the cause is in a *bad social and political organization*, resulting from the ignorance, inexperience and error of Humankind from its beginning.

REMEDY.—We believe that the remedy must be in a *better social and political organization*.

#### THE BASIS OF A BETTER SOCIAL ORGANIZATION.

We believe that this better social organization must have for its basis principles contrary to those which are the cause of evil; that is to say, *Brotherhood, Equality, Solidarity*; the suppression of poverty and individual property,



in a word *Communism*. For us, the remedy is in the fraternal and politically equal association that we call the *Community*.

THE COMMUNITY.—The Community is a great association or a great universal society, partnership or company, organized and based upon the principle of human *Fraternity* with all its consequences, in which the associates consent to put in common all their goods, abilities and work, to produce and enjoy in common.

SOCIETY.—It is a true Society in which there are not any exploiters and exploited, but true associates, all brothers and equals.

It is an *organized* company which must show organization and order everywhere, with intelligence and reason as well.

FRATERNITY.—Fraternity is for us the essential, radical or fundamental principle, generator of all other principles, and which necessarily comprehends all in itself alone.

*Fraternity* is itself the consequence of the other principle stated at the beginning, that the Supreme Being or God is the Father of all men; from which it follows that all men are his children, that all are brothers, and that the Human Race forms only one family of which all the members should love one another and devote themselves mutually to their interest and common welfare, as we conceive that they should be the most perfect brothers.

For us, the consequences of Fraternity are Solidarity, Unity, Equality, Liberty, the suppression of individual property and money, the improvement of Education, the purification of marriage and the family and the organization of work.

The principle of *Fraternity* is a principle at once philosophical and religious, social and political.

In our eyes, it is the most advanced and fruitful idea; it is the principle of the Evangelists and Christianity. In a way

we believe we can say, from the present, that our Icarian Communism is the purest morality, the sweetest philosophy and the most sublime religion, since it is nothing else than *Christianity* in its primitive purity, such as Jesus Christ instituted.

ICARIAN COMMUNISM IS THE TRUE CHRISTIANITY.

Christ came to bring a *new law*, a new social principle, a new system of organization for society, which he called the *Reign or the Kingdom of God, the new City*.

To Him, God was the *soul, love, life, Father* of Humanity. He spoke of Himself sometimes as the *Son of God*, sometimes as the *Son of Man, Brother* of other men, especially of the Poor, the Oppressed and the Unfortunate. He repeated without ceasing that all men are sons of God and brothers.

He contented Himself with two general and leading principles or commandments; the first, *love God* (which is the spirit, love, life, justice, happiness, all-powerful, infinite, perfection in all, etc.), and the second, *love your neighbor or your brother as your self*; and he added that these two commandments blended themselves in the making of one only, this being *all the law and the prophets*. His great social principle then was *Fraternity* of men and people. He said: love in order to be loved, help in order to be helped. He adopted these philosophical maxims: "Do not to another that which you would not wish that he do to you; do to others that which you would wish that they would do to you."

As secondary principles, he proclaimed Association, Equality, Liberty, Unity, Progress and indefinite Perfection.

He especially combatted MISERY; and, to suppress it, he recommended *Community* of goods, declaring that wealth prevented one from entering into the Kingdom of God.

The Apostles, the fathers of the church, and the early Christians employed the Community system; and if, in place of establishing Communities of men alone or of women alone, they had established Communities of men and women with the institution of marriage and the family, Communities for agriculture and trade, Community life would to-day be established throughout the whole world.

Since that time the Barbarians have invaded the Christian empire, and have established individual property of land and of men through the conquest; but bondage or slavery and feudal property have ceased; progress has marched with Revolution and reforms; the bourgeoisie has emancipated itself; Communes have been formed or enfranchised; Communities and corporations have been organized everywhere; the proletarian has gained his liberty; the French Revolution has proclaimed a new Fraternity, Equality and Liberty; all this has been accomplished through the influence of the Gospel and Christianity; and we Icarian Communists devote ourselves to the continuance of this progress by continuing to realize the teaching of Jesus Christ.

THE ICARIANS ARE TRUE CHRISTIANS.—Our Icarian Communism is then the true Christianity; we are *true Christians* — the disciples of Jesus Christ; it is His Gospel which is our Code, and it is His teaching which is our guide.

DEMOCRACY, REPUBLIC.—As we wish that His fundamental principle, *Fraternity*, with its consequences, Equality and Liberty, may be the source and soul of all the laws, institutions and customs in the Community, we can say also that Communism such as ours is the realization of Democracy and the Republic.

To close these first general ideas, some words on *poverty* and the establishment of the Community through the *voluntary and free consent* of the individual will be added.

POVERTY.—All Antiquity, even before Jesus Christ, cried out continually against the *misery* of the mass and the opulence of the few, which necessarily produces this misery.

The extinction of poverty was the most habitual object of the solicitude of Jesus Christ, who, in order to suppress it, established Community of goods.

The Fathers of the Church wished, through His example, to suppress poverty by establishing Communism. St. John Chrysostos, patriarch or pope of Constantinople, said:

“It is less horrible to be murdered by a madman, than to be tormented by poverty; a bite is not lasting and heals; while poverty more cruel than a ferocious beast and more ardent than a furnace, bruises and destroys you without relaxing.”

ESTABLISHMENT OF THE COMMUNITY THROUGH FREE AND VOLUNTARY CONSENT.—But Jesus Christ, His Apostles, the Fathers of the Church, and even Philosophers did not demand, in establishing Communism, spoliation through force or division of land by a suit at agrarian law, but the free and voluntary consent of the proprietors. We Icarian Communists demand the same consent, the same willingness, the same liberty.

Yet again, our Icarian Communism is no other thing than Christianity in its primitive purity.

### CHAPTER III.

#### ICARIAN SOCIAL ORGANIZATION.

In the Icarian system, the Colony, the State, or the Nation, forms a true Society.

This Society is perfectly free and voluntary, that is to say, it imposes itself on no one, and it does not force (can not force) any one to enter; it includes only those who, voluntarily, freely, in perfect knowledge of motive, consent to become a part; and it admits only those who understand well, and who adopt completely its principles and conditions, and who unite the necessary qualities.

This Society makes its own social contract or constitution and its laws.

It determines its own social and political organization; institutes its public functions and chooses its functionaries.

It takes all means of preventing wretchedness and poverty, ignorance or superstition, and of assuring well-being and abundance, Education, Equality, Order and Liberty.

Its organization has for its *fundamental* and *generative principle*, *Fraternity*.

And once for all, it can be said and repeated that it is the purest Morals, the sweetest Philosophy and most sublime Religion.

It is also a *Society of mutual help*, a *universal assurance*, a true family, the members of which call themselves brothers, engaging themselves to practice the principles of the Brotherhood.

There each works *for all*, and all work *for each*.

It has for secondary principles, Equality, Solidarity, Community and Unity, which are the necessary consequences of Fraternity.

It is a blending of Communism and individualism; the home, for example, is individual, each having a home for himself, wife and family; but the property, in place of being individual or personal, is social, undivided, and common or public or national.

Profoundly convinced by experience that one can have happiness only through *fraternal association* and *Equality*, the Icarians wished to form a *Society* founded on the basis of the most complete and perfect *Equality*. All must be *Associates*, *Citizens*, *Equals in rights and duties*, without any sort of privilege for any one; all must partake equally in the *expenses* of the association, each following his *necessity* and the *advantages* of the Society, and his own needs.

All must form only one family, of which all members are united by the ties of Brotherhood.

All must form a *People* or a *Nation* of brothers; all laws must have for their purpose the establishing of *Equality* between them in all cases in which this equality is not practically impossible.

Even then all form only one Society, one family, one People. The land-holdings with all their subterranean riches, productions and superior constructions, form only one *domain*, which is *social* or *national*. This socialization facilitates immense economies and perfection in exploitation, which in turn assures an indefinite augmentation in production, abundance and well-being.

All movable goods of the members, with all the products of the soil, of agriculture and of industry, form only one *CAPITAL* which, like the landed holdings, is *social* or *national*, puts a great power at the disposition of the Society, and gives it the means of producing abundantly for all.

Thus, doing for the association alone, the putting of all in common, has innumerable advantages which no other social system can procure.

Communism renders the administration of the Society and the agricultural and industrial exploitation extremely easy and productive, through realizing enormous savings, prodigiously augmenting production, and creating abundance and well-being for all without exception.

This estate and capital belong undivided to the People, who cultivate and exploit them in common, administer them for themselves or their proxies, and distribute equally all agricultural and industrial products.

All Icarians are Partners and Equals, all must work, and as they have like interests all exercise their intelligence in finding the means, and especially the machines, which render their work easy and short, without dislike, fatigue and danger, and even agreeable and attractive.

The implements and the materials for work are furnished

from the social capital, as all products of agriculture and industry are gathered and placed in the public stores.

All members are fed, dressed, housed and furnished by means of the social capital; all are equally well provided for according to sex, age, etc.; and all take a like interest in successively adopting all possible improvements.

Thus, it is the Society (or the Family or the People) which alone is proprietor of all; distributes and organizes its work and its workers; constructs its workshops and stores; and procures its tools and raw materials. It is the Society also that cultivates the soil; constructs the houses, etc.; makes all the needed materials for food, dress, housing and furnishing, and finally feeds, dresses, houses and furnishes each family and each citizen. The Society admits only the necessary or useful industries, while setting aside the injurious or merely useless ones; it has everything made in quantity, in the great factories, for all members.

The Icarian Society founded on labor has also for its basis *order* and *organization* above all.

It is again founded on *Education*, on *Marriage* and the *Family*.

Education is considered as the base and center of the Society. The Icarian Republic agrees to educate all its children equally, similarly as it furnishes food equally to all. All children, girls as well as boys, receive the same general and elementary instruction, while each receives outside professional instruction suitable to the profession he chooses. All this instruction has for its purpose the fashioning of excellent workers, useful scholars, excellent parents and citizens, as well as true men.

Since *marriage* and the *family* are the chief condition of happiness for men, for women especially, and for children, the social organization is so prepared that all Icarians may be able to marry and have families. It is for this reason

that the dower is abolished, that young women receive the same education as young men, and that the Republic assumes the responsibility of providing food, etc., and educating the children.

All precautions are taken to see that marriage assures the happiness of the husband and wife. However, if the common life becomes unbearable to one of them, divorce is permitted; but everything is so looked after as to make this remedy useless.

All Icarians can marry without opposition to their marriage, for the general rule is that all must do it, because marriage and the family are the best guarantee of order and peace in society, as of happiness for men, for women, and for children.

In the Icarian Republic *women* have the same social rights as men. The Icarians as a whole consider it their first duty and interest to assure the happiness of women.

It is equally the interest and duty of all Icarians, men and women, to protect all *children*, care for all *sick* and *infirm*, while being kind and respectful to all *old people*.

The whole social organization is so established as to suppress as much as possible the causes for *illness* (principally poverty, weakening or dangerous work and dissipation), to fortify the health and *improve* indefinitely the human species.

Hygiene is employed preferably to medicine.

The physician, etc., is a public officer or worker, interested in the advancement of the public health.

One of the principal regulations of the Icarian System is that it is necessary in everything to look first for the *necessity* of a thing, its utility, and for its *agreeableness* only in the last place. But it is the rule also that one must look for unlimited desirableness without other bounds than reason and equality in the enjoyment it may afford for all.



The Icarian System recognizes the *fine arts*, continuous *progress*, and the perpetual tendency toward perfection in all.

*Religious* opinions will be free and tolerated in Icaria, as likewise opinions on all other matters.

However, the Icarians have adopted the *True Christianity*, in its primitive purity, with its principles of Fraternity, Equality, Liberty, Partnership and Communism.

As for outward and public *worship*, it will be simple, without images, devoid of all ceremony and superstitious practices, principally devoted to the admiration of the Universe, thankfulness toward the Supreme Being, instruction on the social duties and the practice of Fraternity.

There will be no clergy forming a sacerdotal body.

We can even repeat that our Icarian Communism is none other than Christianity such as Jesus Christ instituted.

We repeat it, Icarians are *true Christians*, disciples, imitators and workers of Jesus Christ, applying His Gospel and Teachings while working to realize His Kingdom of God, His new City, and His Paradise on earth.

#### ADVANTAGES OF THE ICARIAN COMMUNITY.

We repeat it also, our Community is perfectly voluntary. Our whole Icarian System places in common the land and all capital, the development of intelligence and activity through instruction and education, the abolition of useless work, employing all capacities and all arms, and the organization of the work. Machines are multiplied to infinity, thereby realizing such great economies and so much increasing agricultural and industrial production that *abundance* and *well-being* are assured for all, while removing at once poverty and wealth which are the source of nearly all disorders.

In its turn well-being, united with Fraternity, Education, work and the suppression of celibacy, must generally strike the root of all vices and crimes.

CHAPTER IV.

POLITICAL ORGANIZATION OF ICARIA.

OF THE COMMUNITY.

Since the Icarians are all brothers, partners and equal in rights, they are all members of the Popular Assembly; they all take part equally in debate, in the regulation and administration of their common or public affairs.

All are members of the People and of the public force or the civic or national guard and of the Jury.

They do, themselves and directly, all that they can, therefore, they name proxies or officers only when it becomes necessary.

All officers are elected and hold their positions in the interest of the People; all are proxies and servants; all are elective, temporary, responsible and revocable.

The government is a radical and pure *Democracy*.

It is a democratic *Republic*.

It is based not alone on Fraternity and Equality, but also on the Sovereignty of the People, on universal Suffrage, on Liberty and respect for laws.

The State is not a monarchy, neither is it a dynasty, an oligarchy, nor an aristocracy; it is the People.

The People are Sovereign, to them belongs the right of making or accepting and revising the Community's social organization, constitution and laws.

The State regulates all that concerns an individual, his actions, goods, food, dress, house, education, work, and even pleasures.

Each citizen exercises his portion of sovereignty through his vote and right of initiative or of proposing, and through his right of electorship and eligibility to office.

In order that the right of initiative and proposal may be exercised most effectively and usefully, the People are divided into small committees or groups among whom are

distributed all the different branches of public affairs, in such a manner that each group occupies itself more specially with proposals having to do with the kind of question especially confided to that group.

All is so disposed that each individual can easily and freely exercise all his rights.

All is equally disposed so that each group may be perfectly independent of others, and thus can exercise its rights in perfect understanding of the case.

A newspaper, managed by the officers and distributed gratuitously to all citizens, makes known to all the facts which interest them and of which their knowledge is necessary.

As long as the People can come together in a single Assembly they will continue to exercise directly the legislative power. When the number becomes so great that it is practically impossible thus to assemble, the power to prepare or draw up drafts of laws will be delegated to deputies elected by them, who shall be temporary, responsible, and subject to recall. The right of accepting or rejecting proposals thus drawn is reserved to the head Popular Assembly.

In all cases, the executive power, charged with executing the laws, is essentially subordinated to the legislative and without power to restrain it.

#### CHAPTER V.

##### THE ICARIAN COMMUNE.

The Icarian *Commune* is the foundation of the Icarian *State* which is composed of many communes.

It is a little democratic *Republic*.

The population of the Commune must not exceed the number of citizens who can unite in a single Assembly, about 1,000 or 1,200, with their wives and children, about 4 or 5,000 souls.

Its *land-holdings* must be extensive enough: 1st, so that they will provide sites for the particular houses, workshops, stores and civic establishments or public buildings; 2nd, to provide agricultural lands necessary for the providing of food and other needs of the population.

The Icarian Commune was not constituted irregularly, by chance as it were, following the caprice of each member, but after a *general plan* carefully drawn, thoroughly discussed and finally adopted. This plan indicates in detail the squares, streets, houses, workshops, stores, public buildings, walks, etc., etc.

All buildings, special houses, workshops, stores, and public monuments will be constituted according to the *particular plans* previously discussed and adopted.

Each *house* will be built *for one family*, since everyone must marry. This house, simple at first, may become in the end as commodious, complete and agreeable as possible or needful according to the personal desires of the occupants. There shall be a little garden for verdure and flowers.

These houses have no workshops, implements, storehouses or stables in connection, since all work is done in the large common workshops, all products are put in the large public storehouses, and all horses are confined in one or several large common stables.

All workshops are *located* the most conveniently possible under all conditions, even that of ornament and point of view being duly considered.

The *unhealthful* and dirty workshops are located far from the dwelling-houses.

Everything is made in quantity for all citizens.

Each manufacture and each product is regulated by consumption, which in turn is determined by the necessary *statistics*.

The workers distribute themselves according to the need of each factory.

Each workshop *chooses* its manager.

There is a large bakery and also a large butchery, one or several large kitchens and dining rooms for the preparation and the serving of the common meals, and a large laundry with its wash-house and drying-room.

There is a school for all children, with its gymnasium; a museum; a hospital with its pharmacy and its baths for all the sick; a library; a printing-shop; one or several theaters; public games; a common house or city hall for popular assemblies, government, meetings, speeches, balls, concerts; a temple, etc., etc.

As soon as possible there will be one or several large *reservoirs* for distributing to all buildings light, heat and water, in such a manner that each family may have its particular *bath*. Each will also have its little *pharmacy*, furnished gratuitously through the large common pharmacy.

As soon as possible also the Commune will distribute to each family the little needful *provisions* for breakfast and for the evening collation. The main meal of the day, after work, must remain common according to the principles of fraternity, economy and advantage.

As soon as possible each workshop will have its *dressing-room* where will be placed the working garments which will be taken by the workers upon entering and put back when leaving so that the citizens may always be properly dressed outside the workshop.

The workshops and the storehouses will be located in the outskirts, the streets will be neither over-worked nor dirty, and their *paving* can be suited to the special conditions and as expensive as demanded.

In the Icarian Community, all land is communal, common or social, belonging undivided to all members of the Commune, and administered, exploited, cultivated and harvested, by all in common, and in the interest of all, in such a manner that all have equal freedom and well-being.

In order to realize all economies, all production and all abundance possible the land is considered as one *demesne*. This condition requires only one agricultural working, operated under the one plan only for the several crops, for gardening, for the fruits, for the woods, for the pastures and the large herds of necessary cattle, for the watering and the roads, for the distribution of the cultivators, for the workshops, machines, stores, and even for the charm of the landscape.

And as all members of the Commune are equally interested in perfection in agriculture, all discuss and decide together every question which concerns the land and agriculture as an industry.

One easily sees all the advantages which result from the Community; we have but indicated some of the principal ones.

And let us see what evil it suppresses.

#### CHAPTER VI.

##### EVIL ABOLISHED BY THE COMMUNITY.

The simple fact of putting goods in common, the suppression of individual property, or of the existence of the Community, entails necessarily the suppression: of inheritances and divisions; of selling and buying; of money for internal affairs; of lending at interest and usury; of banking, crediting and discounting; of internal trade and shops; of debts, of bills of exchange and bills payable at sight; of the Exchange and stock-jobbing; of competition, monopolies and obstruction in trade; of failures; of division, lawsuits, seizures, arrests for debt; of civil courts and courts of commerce; of judges, counsellors, attorneys, solicitors, bailiffs, notaries, stock-brokers, etc.

The abolition of money, of selling and trade, adds to the well-being of all, bringing about, as it does, the abolition of

robbery and fraud of all kinds and of nearly all other crimes; of criminal courts, prisons, and jails; of police and constables, etc.

The organization of work puts down strikes and rioting; workmen's certificates; distasteful, drawn out and dangerous work; excessive, useless, luxurious, and injurious manufactures; and idleness.

The doing away of useless work employs all hands, secures the perfection of professional training, the use of an infinite number of machines, together with organization and concentration, realizing so many economies and increasing so much production and abundance that they do away with *poverty* and wealth, pauperism, the proletariat, the beggar, and the vagabond. The condition so produced abolishes the need for all taxes (stamps, registering, town-dues, customs, passports, etc., etc.) other than work.

Marriage for all entails the suppression of disorders and scandals in families, of many crimes, of debauchery and prostitution.

There will be no more servants, salaries, lotteries, gambling and disorderly houses, revelling, and taverns.

With the abolition of the many bad things will come an immense and rapid uplifting of humankind.

#### CHAPTER VII.

##### THE EXCELLENCE OF THE COMMUNITY.

Thus, the Community is the most *complete* of all Socialistic Systems. It settles all questions, while nearly all other systems settle only a *few* and remedy only a part of the evil.

While the most complete it is also the *simplest* because it produces unity everywhere, notably in production, distribution and consumption.

It is again the *easiest* to realize, because it perfects all at the same time, conciliates all interests, ruins no one, guar-

antees the existence of all, and produces the greatest power for promoting the well-being of all.

The Society plainly contains already innumerable Communistic institutions; to completely organize the Community it is necessary to further increase the number. It is not even necessary that absolutely all may be in common; individualism should be especially conserved where it is preferable, in the home for example, in the same way that it is well, on all questions, to consult reason and utility in deciding what may be individual and what may be in common. The Community is then an Association of blended individualism and Communism, in which Communism dominates and in which notably, property is common.

The character of common property, social or national, is not in itself a novelty, for actual society knows already a very great number of national, communal or social properties belonging undivided to families or voluntary associations who place their goods in common, etc., etc. It suffices to increase rather than diminish the number of these common properties.

#### CHAPTER VIII.

##### THE ICARIAN CONSTITUTION.—LAWS.

Citizen Cabet, author of the *Journey in Icaria* and founder of the social and the political system of the Icarian Community, consented to make with all Icarians who will be received through him, an experiment of his system, and to expatriate himself for the purpose of trying an Icarian Colony in America, on condition that he would be during ten years, Manager or Director solely and absolutely for experiment, with power to direct it after his teachings and ideas, in order to unite the possible chances of success.

An obligation or contract was then freely and voluntarily entered into between him and the Icarians, and this contract, truly sacred, was executed in 1850 on the one hand by



Citizen Cabet, who has consecrated his life to Emigration and the Colony, and upon the other hand by the Icarians who have followed him to Nauvoo. All were well resolved to continue to execute it as long as it would not be modified by a convention mutually consenting.

Citizen Cabet would not have consented to any important modification if he had believed it useless or dangerous to the Colony and Community.

But he has believed a modification necessary in order to put the Social Contract in harmony with the law and the republican sentiment of the Americans. He has not seen any inconvenience, moreover, in profiting from the experience acquired in the year just past, in applying to the present the radical democratic principles which must always a little later govern the Community.

Consequently, Citizen Cabet himself proposed in January, 1850, to replace the only and absolute manager during ten years by a multiple managership, elective and annual, while submitting himself to re-election.

He has proposed to modify the first Social Contract and replace it by a Constitution.

This Constitution, proposed by him, discussed during eight meetings was voted unanimously on February 21, 1850. Then after the *Bill* of incorporation for the Icarian Community passed the Legislature of Illinois, it was revised, debated and voted upon anew with unanimity, on May 4, 1851, as follows:

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## ICARIAN CONSTITUTION.

### CHAPTER I.

#### PRELIMINARY CONSIDERATIONS.

Nature has overwhelmed Man with kindness. She has poured out upon the earth, around Man, all the elements

and productions necessary to teach him the use of these things. She has desired the happiness of Humanity above all things else. And still history shows us Man unhappy nearly everywhere and always.

Man is by nature sociable, consequently sympathetic, affectionate and good. Yet history shows us, in every time and all countries, vice and crime, oppression and tyranny, insurrections excited by despair, and civil wars, proscriptions and massacres, anguish and torture.

But Man is highly *perfectible*; consequently human *progress* is a natural law and evil can not be without remedy.

If evil had its origin in the vengeance of a jealous and pitiless God who imposed eternal punishment upon the innocent posterity of a sinful person, whose disobedience came through the temptation of an irresistible power, one must despair of a remedy and resign himself to suffer. But this vengeance and punishment is repugnant to all our ideas of justice, of kindness, of divine love and perfection; consequently we must look elsewhere for the true cause of evil.

This cause we find in a social *organization* resulting from inexperience, from ignorance and from the mistakes of Man in his infancy. Hence, we may find the remedy in a *better social organization* founded on a superior principle.

Let us replace the olden times by the new, the reign of Satan or of Evil, by the reign of God or of Good; spiritual Death by the Resurrection, Regeneration and Life; Darkness by Light; Routine and Prejudice by the Experience of the centuries; Error by Truth; Ignorance by Knowledge and Learning; Injustice by Justice; Domination and Servitude by Enfranchisement and Liberty.

Let us substitute the welfare of all for the excessive opulence of the privileged few who have nearly everything without working, and who are running over with abundance

while the masses who work and produce have nearly nothing, lack the necessities, and suffer from the enslavement of misery.

Let us substitute for a Religion overburdened with superstition, intolerance and fanaticism, one that is reasonable and which teaches men to love and help each other.

May we adopt a social organization in which the word *Society* may not be a word of reproach and derision, but a truth and a reality, and in which there is neither antagonism nor competition, no exploitation of man by man, neither masters, servants, nor hirelings, proletariat nor pauperism, idleness nor excessive labor.

Let us replace individual property, the source of all abuse, by social property, common, undivided, which has none of the objections of the first and which is infinitely more productive for the use of all.

Let us purify and perfect Marriage and the Family through the suppression of dowries, through the education of women as well as men, and through liberty in the choice of a spouse.

In a word, the old Society is based on individualism. Give us, as a basis for the new, Fraternity, Equality and Liberty, Communism or the Community.

## CHAPTER II.

### GENERAL PRINCIPLES.

#### SECTION I.—SOCIETY.

Art. 1.—The Icarians form among themselves a true *Society*. They are all *Associates*.

Art. 2.—This Society includes all who are or will be definitely admitted, with their wives and children.

Art. 3.—It is established in the interest of its members, to guarantee, as much as possible, their natural rights and to assure their happiness.

Art. 4.— It is established also in the interest of all Humanity, through devotion to this one to present a form of Society capable of producing happiness and to prove, through experience, that Communism, based on Fraternity, is realizable and possible.

Art. 5.— It has for material end the clearing and cultivation of the soil, the construction of houses, the engaging in all useful industries; in a word, to make fertile and to civilize the wilderness.

Art. 6.— It is at once agricultural and industrial, civil and political.

Art. 7.— The number of its members is unlimited.

Art. 8.— It is destined to become a City and a State obedient to the general laws of the United States.

Art. 9.— In the meantime it is obedient to the laws of the State of Illinois.

Art. 10.— Aliens of all countries can readily adapt themselves to the Icarian Doctrine and meet all the conditions exacted for admission.

Art. 11.— The conditions and mode of admission are controlled by a specific law.

Art. 12.— Its Social Capital includes the fortunes of all the Associates. Each brings to the Society all that he possesses, without any exception.

Art. 13.— The Society is planned to be perpetual. However, an Associate may withdraw or may be expelled, as will be explained in the special regulation for admission, withdrawal and expulsion.

Art. 14.— The Constitution and Laws are made by the People and for the People.

Art. 15.— All powers come from the People and are established in their interest.

Art. 16.— The Government is that of a Democratic Republic.

Art. 17.— The Icarian Society is based on the principles of Fraternity and Communism.

Art. 18.— It has adopted the name of “The Icarian Community.”

SECTION II.— FRATERNITY.

Art. 19.— Fraternity of Men and of Peoples is the fundamental and generative principle of the Icarian Community.

Art. 20.— All Icarians recognize or adopt each other as brothers.

Art. 21.— They say that their purpose is to love, aid, relieve and defend each other as brothers.

Art. 22.— This principle is identified with the evangelic precept: “*Love your neighbor as yourself,*” or with this philosophic precept: “*Do not to another that which you would not wish that he do to you; on the contrary, do to others that which you would wish they would do to you.*”

Art. 23.— This principle of Fraternity will be the soul of the Constitution and Laws, of the manners and customs.

Art. 24.— It must be inculcated through the training of the child, and applied everywhere with all its consequences.

Art. 25.— Its principal results are *Equality*, Liberty, Unity, Solidarity.

SECTION III.— EQUALITY.

Art. 26.— The Icarians proclaim natural *Equality*, social or civil and political, without any privilege. They recognize all to be equals in law and duty.

Art. 27.— All have the right of being equally well fed, dressed, housed, taught, nursed, treated in everything; as all have the duty of being equally devoted to the Community.

Art. 28.— Servitude is done away with.

Art. 29.— Equality is *relative* and *proportional*. Each has an equal right in the benefits of the Community, *according to his needs*, and each has the equal duty of bearing the burdens, *according to his abilities*.

Art. 30.— All have the same part in the Sovereignty, the same right in the making of the Constitution and Laws. All are equally electors and eligible for all the public functions, at the age fixed by law.

SECTION IV.—LIBERTY.

Art. 31.— Liberty is natural, social or civil, political.

§1 — *Natural Liberty.*

Art. 32.— By nature, Man is essentially free; violence and force cannot give any one the right of domination and of mastery.

Art. 33.— The defence against all attack, the resistance to all oppression, are natural rights.

Art. 34.— But all men are equally free, and, in consequence, the liberty of each is necessarily limited by the liberty of others. No one is free to harm the liberty of another.

Art. 35.— No one is free to violate an *agreement* freely made, an engagement freely contracted.

§2 — *Social or Civil Liberty.*

Art. 36.— The end of Society is to guarantee natural liberty by the protecting of all through force if need be.

Art. 37.— Law, the expression of the social will, determines and fixes the necessary limits of liberty. It has the right to *forbid* all that is injurious, and of *ordering* all that is useful.

Art. 38.— License and anarchy are not liberty; they are the enemies of liberty.

Art. 39.— When law is made by the People and for the People, it forbids only that which is injurious, and orders only that which is useful.

Art. 40.— Then, liberty is the right of doing that thing which is upheld by the law and of refraining from doing that which is not ordered by it.

Art. 41.— Obedience to the law is the exercise of liberty.

§3 — *Political Liberty.*

Art. 42.— This is the right of concurring directly or indirectly, as all others, in the exercise of Sovereignty and in the making of the Constitution and Laws.

## SECTION V.— UNITY.

Art. 43.— Individualism has as many forms as there are individuals, the fractions and pieces are infinite, which produces weakness.

Art. 44.— Fraternity and Communism to the contrary lead to Concentration and Unity, which produces strength and power.

Art. 45.— The Icarian Community is founded on *Unity* in everything; in the people, who form only one family of brothers, and only one army of workers; in the territory which forms only one great domain; in agriculture, which forms only one vast exploitation of the soil; in industry, which forms only one vast industrial exploitation; in education, which forms only one great system of training for the entire People.

Art. 46.— Unity must be harmonized with all the *divisions* that indicate reason, science, the ease and usefulness of exploitation and work.

## SECTION VI.— SOLIDARITY.

Art. 47.— Solidarity is also a consequence of Fraternity and Unity. All Icarians are jointly and separately liable the one toward the other for security and defence.

Art. 48.— The Icarian Community is a mutual and universal *assurance* against all accidents, disasters and misfortunes.

Art. 49.— Subscriptions and taxes are no longer necessary against fire, flood, strikes, sickness, ruin and misery.

Art. 50.— The Community provides each one with all he needs, the only condition being that he work according to his strength, while all accidents are prevented or suffered and repaired by it.

Art. 51.— There is no longer the proletariat, pauperism, begging or vagabondage in its midst.

SECTION VII.— RESPECT FOR LAW.

Art. 52.— The one principle of the Icarian Community is respect for law and submission of the minority to the majority.

Art. 53.— Before voting, each voter has the right of expressing, in all freedom, his opinion against the proposal in debate, but each voter tacitly agrees to submit himself to the future decision of the Assembly.

Art. 54.— The *Minority* must give way to the *Majority*, and carry out its decision without resistance, without complaint, without criticism, until the formal revision in the form laid down by the Constitution and Laws.

SECTION VIII.— COMMUNITY.

Art. 55.— Communism is the opposite of Individualism. Community in goods is the reverse of Individual Property.

CHAPTER III.

SOCIAL ORGANIZATION.

SECTION I — PROPERTY, CUSTOM.

Art. 56.— In the Icarian Community property is not individual, but social, common, undivided.

Art. 57.— Each Associate is a co-proprietor of all; but nothing is individual or personal, or the exclusive property of anyone: the Community alone is proprietor.

Art. 58.— Only, each can and must have the *use* or the pleasure of that which is needed, according to the rules established by law.

Art. 59.— The Community does away with these: 1, all *abuses* of property, *opulence* and *misery* that it engenders; 2, the right of *succession* and inheritance, by furnishing to all children and citizens what is needful for them; 3, *buying* and *selling*, *trafficking* and *bargaining*, with their *frauds*



and *falsifications*, with their *cases* and their failures, by replacing them with the free distribution to all Associates of all things which they may need; 4, *money*, for internal use; 5, *banks* and *excessive interest rates*; 6, *wages* of workers; 7, the *pay* of public officers; 8, the *budget* and taxes; 9, *legal processes* and the *courts*, with their employees of all kinds.

#### SECTION II.—WAGES.

Art. 60.—All laborers are fed, housed, clothed, furnished with all, by the Community; consequently, wages are useless and are abolished.

#### SECTION III.—PUBLIC SALARIES.

Art. 61.—Public duties are labor, and the officers are fed, clothed, housed, etc.—as other workers; hence, salaries are useless and are abolished.

#### SECTION IV.—TAXES.

Art. 62.—Taxes of any kind are useless and have been abolished. There is no other tax than work, made short, easy, without fatigue and danger, even attractive, by means of instruction and unlimited machinery.

#### SECTION V.—ORGANIZATION OF WORK.

Art. 63.—Order and organization are necessary everywhere, principally in work.

Art. 64.—All the various industries are placed and combined in a manner to secure the greatest possible return.

Art. 65.—All work is done in the great common workshops conveniently located.

Art. 66.—Machines are provided without limit, to aid and ensure the worker, even to replacing him, in such a manner that man may one day be only a director of machines.

Art. 67.—Machines are materially useful in the Community, since they work for all without harming any one.

Art. 68.— All raw materials, tools, machines, are furnished by the Community, as all products are collected and distributed or employed by it.

Art. 69.— The workers form a peaceful army, directed by overseers chosen by themselves.

Art. 70.— Work is a public function.

Art. 71.— All kinds of work are equally esteemed and honored.

SECTION VI.— AGRICULTURE.

Art. 72.— All the above concerning industry, in general, applies to agricultural industry. The Community looks upon it as the basis of social wealth.

SECTION VII.— FOOD.

Art. 73.— The Community supplies its members with food.

Art. 74.— It regulates all things which concern food.

Art. 75.— It establishes, moreover, common meals.

Art. 76.— As soon as it can, it will provide some meals in each family, while furnishing to each all the needed provisions.

SECTION VIII.— HOUSING.

Art. 77.— The Community furnishes lodging for all members.

Art. 78.— As soon as it can it will provide a separate house for each family.

Art. 79.— It regulates all that concerns particular lodgings, all workshops, all public or common buildings, towns and villages.

SECTION IX.— CLOTHING.

Art. 80.— The Community clothes all its members; it regulates all that concerns dress.

Art. 81.— It harmonizes variety with unity and equality.

## SECTION X.—EDUCATION.

Art. 82.—The Community provides an education for all its children.

Art. 83.—It places the children as it considers best, according to their particular interest and in the general interest; sets aside the part of their childhood and youth necessary to secure an education and regulates everything which may concern that.

Art. 84.—The education given is the most complete and perfect possible.

Art. 85.—The training is physical, moral, intellectual, professional, scientific, civic.

Art. 86.—The *physical* has for its end the making of robust and dextrous individuals.

Art. 87.—The *moral* training has as an end the forming of excellent citizens who practice the principle of *Brotherhood* and who are accomplished in all the duties of the social life.

Art. 88.—The *intellectual* education aims to develop to the highest point the intelligence of the Icarians, while giving to all the elements of all the sciences and arts.

Art. 89.—The *professional* purposes to train excellent artisans or workers for each trade and industry.

Art. 90.—The *scientific* training aims to produce Teachers and Scholars useful to Humanity.

Art. 91.—*Civic* training aims to make known the laws and the political and social duties.

Art. 92.—The elementary and general education is the same for men and women alike.

Art. 93.—Children of the same sex are cared for in separate schools.

Art. 94.—When the Community shall be completely established and developed, the children will be able to live with their parents while attending the schools for their common education.

SECTION XI.—MARRIAGE, FAMILY.

Art. 95.—The Community is based on marriage and the family, purified of all which alters or mars them.

Art. 96.—The voluntary celibate is interdicted; all those who can must marry.

Art. 97.—Law controls all that concerns marriage, family, paternal and maternal authority.

Art. 98.—Dowry is abolished.

Art. 99.—The choice of a spouse must be perfectly free.

Art. 100.—Husband and wife are equals, except for the precautions which will be imposed by the law in case of disagreement.

Art. 101.—The duty of faithfulness is the same for both.

Art. 102.—Marriage is contracted for life.

Art. 103.—Nevertheless, divorce will be authorized in the cases which are provided by law, and with the precautions which shall be prescribed.

Art. 104.—Each of the divorced parties will and must marry another.

SECTION XII.—DISEASE, THE FEEBLE.

Art. 105.—The education, hygiene, the general organization of the Society and of the work, must seek to diminish disease.

Art. 106.—The sick and infirm must be taken care of in a brotherly manner, whether in a public or common hospital or in their families as may be determined by the law or the common regulations.

Art. 107.—The physician, the surgeon, the pharmacist, the hospital attendant or nurse are workers who have their work and special place of work as do all other workers.

SECTION XIII.—WOMEN, CHILDREN, THE AGED.

Art. 108.—The Community guarantees: first, to women as a whole, from men as a whole, respect and regard; se-

cond, to the children, love; third, to the aged, regard and respect due them; fourth, to all, devotion and protection.

SECTION XIV.—RELIGION.

Art. 109.—The Icarian Community adopts Christianity in its primitive purity, with its fundamental principle, Brotherhood of Men and Peoples, as its Religion.

CHAPTER IV.

POLITICAL ORGANIZATION.

SECTION I.—SOVEREIGNTY.

Art. 110.—Sovereignty belongs to the Community.

Art. 111.—It is exercised concurrently in the name of the Community through the General Assembly and the Managership, each to the limits of its privileges.

Art. 112.—Each citizen exercises his portion of Sovereignty through his *vote*.

Art. 113.—Every vote is *public*. The written vote is *signed*.

SECTION II.—PUBLIC POWERS.

Art. 114.—There are two great powers: the *legislative* and the *executive*.

Art. 115.—These two powers are necessarily distinct and separate.

Art. 116.—The executive is subordinate to the legislative.

Art. 117.—The legislative power is placed in a General Assembly, and the executive in a Board of Managers.

Art. 118.—The *judicial* power is exercised through the General Assembly or through a jury organized by law.

SECTION III.—THE LEGISLATIVE POWER.

*General Assembly.*

Art. 119.—The Assembly is composed of all men who have been definitely admitted and who are twenty years of age.

Art. 120.—The women are admitted to a separate place, with consultative voice. They are expected to give their advice on all questions which particularly concern them.

Art. 121.—The General Assembly makes the Constitution and the Laws.

Art. 122.—The proposals for laws may be presented either by the Board of Managers or by the citizens.

Art. 123.—The procedure of the General Assembly is regulated by a special organic law.

Art. 124.—When the membership becomes too great, it will be replaced by the Popular Assemblies and by a representative or national Assembly, among which the legislative and judicial powers will be distributed by a special constitutional law.

#### SECTION IV.—EXECUTIVE POWER — BOARD OF MANAGERS.

##### §1.—*Prerogatives of the Managers.*

Art. 125.—The Managers are charged with the execution of the laws, and propose the necessary means for their execution.

Art. 126.—They are also charged with the administration conformably to the laws. They name all the officers or agents who are needed to aid them in this administration under their responsibility.

Art. 127.—Some laws are needed for authorizing borrowing and the purchase or sale of real estate.

Art. 128.—Special laws will provide for all commissions that will be needed from time to time.

##### §2.—*Composition of Board of Managers.*

Art. 129.—The Board is composed of six members.

Art. 130.—One of these shall be the President.

Art. 131.—These six members discuss and decide in common the principal questions.

Art. 132.—In case of disagreement, the President has the deciding voice.

Art. 133.— The Board can transact the business before it only when the members present or their assistants are not less than three in number.

Art. 134.— Each member of the Board may demand that his opinion be registered on every proposition arising and even be communicated to the General Assembly.

Art. 135.— Each member assumes the title of Member of the Board of Managers.

*§5.— Election of the Board.*

Art. 136.— The six members are elective.

Art. 137.— They are elected by the General Assembly.

Art. 138.— They are elected for a year.

Art. 139.— They are indefinitely reëligible.

Art. 140.— One-half are subject to reëlection every six months.

Art. 141.— They are elected by an absolute majority and by a written and signed ballot.

Art. 142.— The President shall be elected separately.

Art. 143.— The five remaining members of the Board shall be elected conjointly by ticket.

Art. 144.— Before election a list shall be drawn up on which will be placed all those who will be presented as candidates.

Art. 145.— Those to be voted for shall be taken only from the candidates whose names are so listed.

Art. 146.— Each candidate shall, in demanding that his name appear on the list, explain his motives as a candidate.

Art. 147.— The Assembly shall be consulted in case of dispute concerning the listing of any name. If ten members demand that the name be placed on the list, it shall be placed thereon.

Art. 148.— An open presentation of views shall be required of every candidate.

Art. 149.— The discussion shall be free and frank, but

dignified and brotherly, exclusively animated by the sentiment of general and common interest.

§4.—*Division of Board Duties.*

Art. 150.—The members of the Board divide the duties of administration among themselves.

Art. 151.—The duties are divided as follows:

1. The Presidency — Supervision and general direction;
2. General direction of finances and food;
3. General direction of housing and clothing;
4. General charge of education, of health and recreations;
5. General direction of industry and agriculture;
6. General direction of the secretaryship and of the printing-office.

Art. 152.—The members of the Board may not preside over the General Assembly.

§5 — *The President.*

Art. 153.—The President of the Board has the title of *President of the Icarian Community*.

Art. 154.—He represents the Community in all of its external relations.

Art. 155.—He acts, corresponds, negotiates, treats, appears in courts either as plaintiff or defendant, and signs all papers in his capacity as President of the Icarian Community.

§6 — *Responsibility.*

Art. 156.—The Board is responsible. At the beginning of each month it will present a summary of its work during the preceding month and of the financial situation as well. Every six months, eight days before the election, it shall render an account of its administration during the six months to the General Assembly and explain to it the situation of the Community.



§7.—*Public Duties.*

Art. 157.— All public duties are established in the interest of the Community.

Art. 158.— They are as numerous as necessary.

Art. 159.— All are a duty, an obligation, a work which one cannot give up without a legitimate excuse for so doing.

Art. 160.— The place where they exercise their duties is in the place of public office.

Art. 161.— The performance of their duties in the public office is mandatory.

Art. 162.— All offices are elective except as mentioned in Art. 126.

Art. 163.— Office is temporary, accountable and responsible.

Art. 164.— Each command shall be issued in a fraternal spirit and shall be obeyed with all due respect for the law.

Art. 165.— In case of abuse, either of the citizen by the officer or of the officer by the citizen, each has the right to protest or complain.

SECTION V.—JUDICIAL POWER.

§1.—*Offenses.*

Art. 166.— In the Community the offenses are: acts which wrong the Society or some of its members; violations of its principles, laws or regulations; the illegal disposition of a common object; want of care and economy; those things which would bring disorder and trouble into the great family.

Art. 167.— Falsehood and slander are inexcusable offenses.

Art. 168.— Insulting, criticising and speaking evil of the General Assembly are also offenses.

§2.—*Penalties.*

Art. 169.— The penalties are: 1st, censure in the workshop, or in the General Assembly, or in public with more or

less of publicity; 2nd, exclusion from the workshop, or the General Assembly, or from the Community in those cases which may be determined by law.

*§3.—Reporting Offenses.*

Art. 170.—Each Workshop Director must report, in a weekly or special report, the offenses committed in his workshop.

Art. 171.—It is a duty of each citizen to make known, in the interest of the Community, the offenses committed against it.

Art. 172.—It is a duty of the Board of Managers to investigate offenses and demand against the offenders the execution of the laws.

*§4.—Judgment.*

Art. 173.—The offenses against workshop regulations are judged by the workshop.

Art. 174.—The common offenses against the Community are judged by the General Assembly or by a jury.

SECTION VI.—AMENDMENT.

Art. 175.—The Icarian People have necessarily the right to amend and modify the Constitution. But they can, in their interest, draw up rules and forms for the purpose of preventing the exposure of the Constitution to changes which are too precipitate or frequent.

Art. 176.—The Constitution may be revised only at two year intervals, in 1853, 1855, etc.

Art. 177.—The amending shall be done in March.

Art. 178.—Any one who may wish a complete or partial revision must ask it in writing, in the next to the last week of February.

Art. 179.—All others who would wish to modify or change it in any way must do it, in writing, in the same way and at the same time. These revisions must be posted during the last week of February.

Art. 180.— In the last week of March, the Assembly shall decide first by a majority of three-fourths, if it will consider the demand for amendment.

Art. 181.— In this case it shall fix the opening of the discussion for a day in the second week of March.

Art. 182.— Each member can propose, in writing, amendments to the changes proposed.

Art. 183.— The Assembly shall discuss and vote, by a majority of three-fourths, the total or partial revision of the Constitution.

FINAL DISPOSITION.

A printed copy of the Constitution and principal laws, when the General Assembly shall so order, shall be sent to each member of the Community.

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REGULATIONS FOR THE GENERAL ASSEMBLY.

A STATEMENT OF MOTIVES.

In every country, the law concerning the General Assembly is one of the most important, since it regulates the making of all other laws.

In Icaria especially, it is one of the fundamental laws and nearly constitutional.

The Icarian Constitution and the Icarian law of the General Assembly are perhaps the most liberal, the most democratic and the most popular that exist; for they declare and constitute the Sovereignty of the People, universal suffrage, the right of each citizen to propose laws, to discuss and vote upon them, while according to the *women* the right to assist in the Assemblies and to take part in all discussions, to express their minds and defend their interests.

The Icarian law goes the farthest; it declares that taking part in the General Assemblies is not alone a right, but a *duty*; and this principle, that participation is a duty, is a

great step in the practice and organization of the Democracy.

It is a duty, in short, for the Icarian, either to himself or to his fellow-citizens, who are his brothers, or to the Community taken collectively.

It is a duty that he owes to himself, with respect to his proper interest and his personal dignity. An intelligent and rational being, jealous of the dignity of man, and trustworthy of the name of man in the highest acceptance of the word, must appreciate and desire the moral and intellectual pleasures before the material and sensual ones. He must wish Liberty, Equality and Fraternity above all, and do all things which will assure him the possession of these. He would merit neither the name of Democrat, nor even that of man, nor especially that of Icarian, who would disdain to exercise the rights of a citizen and, in consequence, to assist in the General Assemblies for the purpose of taking part in the making of the laws which must regulate his acts and his fate.

Also, especially the workers and the proletarians call for the recognition and the practice of the principle of the Sovereignty of the People, of universal suffrage and of the participation of each citizen in the making of the laws and the decisions on public affairs.

Now, if the Icarians could enjoy in Icaria all these advantages without any reserve and without any hindrance, would they not then be lacking and give themselves the lie if they should neglect to exercise their right?

Participation in the Assembly is also a duty for each Icarian toward his brothers, inasmuch as each owes to them the tribute of his intelligence, training, experience, ability, observations, opinions and counsels or advice. To be indifferent to the public welfare and the happiness of his brothers, to occupy himself only with his personal pleasures,

would not only be an act of folly, which would compromise his particular interests, but would again be an act of selfishness of the bad citizen and bad brother.

Participation in the General Assembly is, again, a rigorous duty to the Community considered collectively, for the Community is profoundly interested in what improves its members and would raise them to a high moral plane as soon as possible, knowing all their interests, duties, laws, regulations, decisions, all that is needed to be done, is finally executed and put into practice. It is in the General Assembly alone that all learn, know and perfect themselves. One would necessarily harm the Community who, neglecting to take part in the Assemblies, would expose himself to the violation of the laws and the social obligations due to the error of not knowing them. This duty of taking part in the Assemblies, exists evidently for the one admitted provisionally as well as for those who are definitively admitted.

This duty evidently exists for the women as well as for the men, for the young girls and the young women as well as the older women, since the Community is quite evidently interested in seeing that they know what are their duties as well as their rights, all decisions and all regulations of conduct, to the end that they may be able to conform themselves to them.

The same may be said for the young men who are not in the schools.

The whole Colony must then be quite entirely united, as much as possible, in the General Assembly, for the purpose of drawing up and making the laws, while at the same time living together as brothers.

And anyone who, in place of taking part in the General Assembly, would go to pass the evening elsewhere, especially at the house of persons foreigners to the Community, would be equally lacking in his duties toward the Community.

Though the mass of the Icarians show themselves faithful to this duty, experience has indicated some abuses and the necessity for some measures of order and some regulating arrangement or of some recourse to the law to realize completely the above principle, and to guarantee equally liberty to all.

Thus, it may be seen that it is a duty for each Icarian man and woman to take part in the General Assembly. It necessarily results that it is absolutely impossible to dispense with the presence of anyone, excepting upon proof of sickness, forced absence or public service; that the caretakers of the sick themselves may not be exempted from attendance and should always take the necessary measures to render their presence possible; that one who cannot attend must, when he can, notify the Board of Managers or the Assembly Bureau; that he must make known the reason for his absence; that the absence and reason therefor must be stated in a *process-verbal* or in a special report; that each one must arrive at the indicated hour, and may leave only at the close of the meeting.

To make it easier to count those present and those absent as well as the vote for or against any measure, separate places must be designated for the women, for the young men, for those provisionally admitted, and for those definitively admitted. Each must place himself in his class, occupying the places nearest the Bureau, in such a manner that the places farthest away may be occupied by the last arrivals without inconveniencing anyone.

As soon as there shall be a certain number of persons, of nurses especially, who cannot take part in some of the meetings, it will be necessary to make known what has been done in these meetings.

It is needless to say that silence, gravity, dignity, all propriety must reign in the Icarian Assembly, with Frater-

nity, Equality and Liberty; that each must be seated, and that all heads must be uncovered as soon as the needed place for disposing of the head-coverings shall have been provided for. No one may speak until he has removed his hat.

But the law of January 30, 1851, which regulates many other questions concerning the rights and duties of the members of the Assembly, of the Bureau, of voting, etc. could not foresee *abstention* from voting because it was difficult for the author of the proposal for this law to foresee such a case. Since such cases have appeared several times it is necessary to regulate them. Can an Icarian who is present at a voting abstain from voting either for or against? We do not believe so, since an Icarian is admitted only after declaring that he knows all Icarian writings, doctrine, principles and the system, constitution and laws. From that time he must have had social and political instruction, and taken part in the complete discussion of some question. He can demand all needed explanations and hence cannot, reasonably and sincerely, affirm that he has no opinion either for or against any question. Consequently, he cannot abstain, for, otherwise, many could do it, and then what could not one say of the Icarians?

We cannot admit that there has been such a spirit upon the part of anyone in the Icarian Assembly, nor that anyone could not have the courage of his opinion, and consequently we think that no one should abstain from voting.

We even think that everyone must be ready to express his opinion and that he will do so without repugnance and without hesitation, upon the request of the President of the Community or the President of the Assembly, or of another member.

Consequently, when the vote is to be taken by the raised hand or by being seated and then rising, one would be lacking in courage and loyalty to abstain clandestinely from taking part therein.

It is the same when voting at an election. Abstinance would be unjustifiable, since it would be impossible for an Icarian not to know someone dignified and capable, either to be presented as a candidate or to be elected.

As for the form of voting, the public vote by "Yes" or "No" on the *call of the roll* is the most solemn, certain, democratic and Icarian. It must be employed always if it does not require too long a time, which can be better used. However, it will be agreed that it will be preferred for a vote on the whole of a law or for the important questions, or when the President of the Community shall demand it, or when ten members rise to ask for it.

And when in the voting at an election, as the necessity of an absolute majority would require several ballots and a great deal of time, one can see that the operation will be terminated necessarily at the third time of balloting, through a balloting between the two candidates who will have attained the most votes on the second ballot.

Since the election of the two Vice-Presidents and the three secretaries of the General Assembly would require too much time by written vote, it is reasonable to abridge and facilitate the operation by a rising vote.

The law of the thirtieth of January speaks of the *order of the day* being announced in advance of the discussion so that each person may prepare himself without being too much surprised. But in order to attain completely this end, it is necessary that the proposition to be discussed and its motives be drawn up in writing, read, published, posted, and then read in the Assembly. In order that the discussion may be complete, it is necessary that there must be, if some one demands it, a general discussion on the principle, then a discussion and a vote on each separate article, then finally, a general vote to adopt or reject the proposition.

It may serve a useful purpose to publish the important votes.



Must those Icarians who do not understand French perfectly be required to attend the Assemblies? There are some reasons for not requiring them to do so, but other reasons more numerous and stronger for refusing the exception. They would have a sort of an apparent privilege if they were excused; they would remain for a longer period strangers to the language; they would not undertake any part in the discussions or voting; they would be ignorant of nearly everything, would not be able to do anything, and would be as strangers in the midst of their brothers. But, if they are admitted without knowledge of the language and be obliged to take part in the Assemblies, it would be necessary to take all possible means to teach them the French and to make them understand the proposal, the discussion, the question to decide and the vote.

What is the number of votes necessary either for a deliberation or an election? The law of the thirtieth of January did not say, but we think that this number perhaps would be reasonably fixed at nine-tenths of the members present at the time and legally assigned and recognized.

Finally, six Commissioners, drawn by chance from the roll during a month, who will choose a chairman from among themselves, appeared necessary to verify those present and absent, those entering and those leaving, to do the placing, to count the votes, and generally to look after the order in the Assembly and make a report to the President of the Community.

Through these many considerations and wholly in keeping with the law of January 30, 1851, it is now proposed to the members of the Icarian Community to add the following regulations;

Art. 1.— It is an absolute duty for all Icarians, men and women, to participate in the General Assembly.

Art. 2.— An insurmountable difficulty alone should prevent it.

Art. 3.—Sickness, absence through public service, can alone be a legitimate excuse.

Art. 4.—Nurses of the sick even must participate as soon as they have been able to take the necessary measures for whatever thing may be required. Meanwhile, the Board of Managers will take the proper measures in order that they may know what has been done in the Assembly.

Art. 5.—The members who cannot speak French will not be exempted from participating in the Assembly, but the Board of Managers will take the necessary measures to make all known to them.

Art. 6.—Those who find it impossible to take part must, as soon as possible, notify the Bureau or the Board of Managers.

Art. 7.—Each must appear exactly at the hour indicated.

Art. 8.—The meeting must open regularly at the hour fixed.

Art. 9.—Women, provisionally admitted, young men, definitively admitted, are separately placed.

Art. 10.—Women have a special door for entering and leaving.

Art. 11.—Upon entering, each must take that place nearest the Bureau.

Art. 12.—No one must remain outside or on the steps.

Art. 13.—Each meeting will begin with the roll-call. Absences will be announced, approved or disapproved by the Assembly in the same meeting or at the following meeting.

Art. 14.—Nine-tenths of the members present in their places and not prohibited from voting are necessary to begin a discussion or election.

Art. 15.—All proposals of law must be written down, explained, read to the Board of Managers, publicly read and put on the order of the day the last week in the month before discussion.

Art. 16.— The affairs of *administration* and all *urgent* questions are excepted from the operation of this rule.

Art. 17.— In case of opposition, a three-fourths majority will be necessary for an urgency measure.

Art. 18.— Anyone may demand a general discussion before the discussion of each article.

Art. 19.— Each must be uncovered in speaking.

Art. 20.— No one may abstain from voting, either on roll call, or by rising, or by raised hand.

Art. 21.— Each one must state and support his opinion when another member desires to know it.

Art. 22.— No one may abstain from voting in an election.

Art. 23.— The vote on a law as a whole will always be by roll-call.

Art. 24.— It can be taken in the same manner on one or several special articles, when it shall be demanded by the President of the Community or by ten members who rise to that effect.

Art. 25.— The votes are public.

Art. 26.— The vote shall always be by an absolute majority unless a special law be passed providing a quarter majority.

Art. 27.— In the case of an election, when no candidate obtains an absolute majority on the second ballot, the third ballot shall be cast by balloting between the two candidates who have obtained the most in the second.

Art. 28.— The election of the two Vice-Presidents of the Assembly and the three Secretaries will be by rising vote or by raising the hand.

Art. 29.— An outsider may participate in the Assembly only by the authority of the President of the Community.

Art. 30.— The Board of Managers will have a separate table near that of the Assembly Bureau.

Art. 31.— Six commissioners selected from the month's

membership roll, choosing a chairman, are charged with keeping the order of the placing of members, of verifying the late arrivals and those leaving, also the votes and those refraining from voting and all infractions of the present regulation. The Chairman shall make a report which shall be attached to the *process-verbal* and read with the latter to the Assembly.

Art. 32.—Two of the six commissioners will aid the Commissioner of the Refectory to prepare the room before and after the meeting.

Art. 33.—There shall be a special regulation for the preparation of the room, its fuel, its light, etc.

Done at Nauvoo, March 3, 1855.

This project, discussed in three meetings of the General Assembly, was finally carried, on April 22, on roll-call, and adopted by 129 yeas to 2 nays, and became the rule of our General Assembly, replacing the one of January 30, 1851.

THE LAW CONCERNING ADMISSION, WITHDRAWAL AND  
EXPULSION, OF APRIL 5, 1850.

Admission in America is declared, by the General Assembly, by a three-fourths majority of the voters after verification of the fact that the one requesting unites all qualities and meets all existing conditions of membership.

It is *provisional* or *definitive*.

Provisional admission lasts two months. It is for the *novitiate* to satisfy himself that he really wishes to remain a Community member and that the Community desires him to become so.

If the provisionally admitted one withdraws or is not definitively admitted, he must be given four-fifths of his share brought in, clothes, bed and tools.

He who is admitted definitively can *withdraw*. He will be given one-half of his goods brought in, to wit: 20 dollars and whatever surplus may have resulted from the delay of

the General Assembly. They will also return him an outfit of clothing, his bed and tools. He may not demand another thing.

The one who violates the laws and regulations may be *expelled* by a decision of the General Assembly by a three-fourths vote. They will return to him the same as to him who withdraws voluntarily.

But the prosperous condition of the Community having permitted the diminishing of the entrance share and the establishment in Iowa necessitating a new arrangement, I have proposed to the General Assembly the following resolutions which embody the principles of a new law.

PRINCIPLES OF THE REVISION OF THE LAW OF APRIL 5, 1850,  
UPON ADMISSION, WITHDRAWAL AND EXPULSION.

The President of the Community proposes:

1. To preserve the principle of the novitiate unmodified;
2. To preserve the principle of definitive admission through the *General Assembly* of the Community;
3. To preserve the principle of *optional withdrawal*;
4. To preserve, in case of withdrawal, the principle of the return of a suit of clothing, of a bed and of tools;
5. To preserve, in case of withdrawal from Nauvoo, the principle of the return of one-half of the contributed share conformably to article 26, numbers 4 and 27 of the law of April 5, 1850;
6. To introduce, starting January 1, 1855, a fixed sum for all those who shall not demand one-half of their equal share;
7. To control the question of admitting young girls, admitted without the required shares, that each unmarried man may wish to marry;
8. To reduce to 300 francs the minimum share;
9. To adopt the principle of other successive reductions as soon as possible;

10. To apply as soon as possible the principle of *uniform*, of the *diminishing* of the cost of dress and the replacement of the old dress by a new one which will be furnished by the Community.

SPECIAL ARRANGEMENTS FOR THE COLONY IN IOWA.

The following arrangements are also proposed:

11. All Icarians definitively admitted into the Community, *will be permitted* to leave for the Colony when they so *demand*.

12. The order in which the departure shall be effected will be regulated, among all who demand, by the General Assembly.

13. The one who shall desire to leave shall deliver to the Board of Managers, to be submitted to the General Assembly, his written and signed demand in which he shall promise: 1. to practice more and more the *principles* of the Icarian Community; 2. to observe the Icarian Constitution and all the laws which are and *will be* made by the General Assembly of the Community, notably the law of *May* 28, 1854 on the organization of the Colony, and the present law of June 12, 1854; 3. to not leave the Colony before *two years* without the authorization of the General Assembly; 4. to return to Nauvoo when called by the General Assembly; 5. to demand nothing for his *work* in case of withdrawal and demand only that which is allowed by articles 15 and 16 of the present law; 6. to address himself exclusively to the General Assembly for all *claims or disputes* which may arise against the Colony, the Community, or one of the members.

14. Through an exception to number three of the preceding article, *young men* may, after a year of sojourn in the Colony, be permitted by the General Assembly to return to Nauvoo.

15. The one who shall fraternally leave the Colony before the two years of sojourn, shall receive his suit of clothes and his bed, such as he shall find it at the time of his withdrawal, and the tools which shall have been recognized before his departure as being necessary, or their total value, if the colony judges them indispensable for itself, and beyond that a fixed sum.

16. He who fraternally leaves after the two years, shall receive, beyond the things and the fixed sum arranged by the preceding article the sum of.....dollars, and half for each child above ten years.

17. The present arrangements apply to those who have been admitted before April 5, 1850, and to those who shall arrive at Nauvoo after January 1, 1855; but they cannot have retroactive effect prejudicial to those who have arrived in the Community after the law of April 5, 1850, or who have arrived before January 1, 1855.

Consequently, in case of withdrawal, either from Nauvoo, or from the Colony, they may demand the application of the law of April 5, 1850, if they shall not have voluntarily renounced its privileges.

These arrangements were adopted on June 12, 1854, after several meetings for discussion, on roll-call, by 104 yeas against 5 nays, and 5 abstaining.

#### CONDITIONS OF ADMISSION.

These are found in the Prospectus. They are here presented in abridged form only:

1. Know well the Icarian writings, have the principles well in mind, and be acquainted with: *The Journey in Icaria; Why I Am a Communist; The Communist Creed; True Christianity; The Colony or Icarian Republic; The Prospectus of 1852.*

2. Be generally able to read and write.

3. Completely adopt the Icarian system.

4 and 5. Devote one's self to the cause of humanity, women and children.

6 to 10. Adopt the principles of *Fraternity, Equality, Communism and Unity*.

12 and 13. Surrender *all* property, hiding nothing.

14. Bring *at least* 400 francs or \$80.00 (one-half as much for every child under seven years), with his clothing, bed and tools.

15 to 18. Generally follow a useful trade. Able to work in one of the workshops.

19 to 37. Be industrious, vigorous, not too old, of good hearing and temperament, not using tobacco or strong liquors, trained to propriety, decent in words and acts, careful and economical.

38. Agree to marry.

39. Adopt True Christianity as a religion.

40 and 41. Agree to never be hostile toward the Community.

42 to 44. Guarantee that his wife and children have all the necessary qualities.

45. Consent to whatever means the Community may adopt for the education of his children.

46. Accept the Constitution and Laws already made.

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#### THE LAW FOR ORGANIZING THE IOWA COLONY.

Art. 1.— The seat of the Icarian Community is at Nauvoo, Illinois, unless the Community itself may transfer it elsewhere.

Art. 2.— The establishment founded by the Icarian Community in Iowa is, by report to the Community, a *movable workshop, a trust, an advance-guard, a colony*.



Art. 3.—The Colony must apply and practice all principles of Icarian Communism, in order to realize the aim of the Icarian Community.

Art. 4.—Sent out by the Community, founded by it at its expense and for this, the Colony must act, work, produce, pre-empt, acquire and possess for the Community.

Art. 5.—It is under the Community's direction and must execute its Constitution and its Laws made and to be made, its rules and its decisions.

Art. 6.—The Community forbids the passage of any new law or revision of a law, or any change in the constituted principles of the Icarian Community.

Art. 7.—An extract from the act of incorporation granted by the Constitution, shall be repeatedly recorded or publicly registered with the present law in Adams County.

Art. 8.—The Colony must keep a journal of financial proceedings and an account of its operations and work, and render an account of all its receipts and expenditures to the Community.

Art. 9.—It shall write the Community at least once per month.

Art. 10.—The Colony shall meet in a Colonial Assembly to regulate its work and its special operations. The women and young men assist with a consultative voice.

Art. 11.—The Colony may neither make, purchase nor sell furniture, nor begin anything. The Community alone has the right to do this and in its own name. The Colony may not even countenance anything begun within it, except with the permission of the Community, in the name of the latter, with the warning that it will have to surrender it with no return therefor.

Art. 12.—The Colonial Assembly shall have a *President*, a *Vice-President*, and one or two *Secretaries* elected by it for three months.

Art. 13.— The Colony shall have a Director, an Assistant Director, and a Secretary-Treasurer, elected by it, each year and reëligible.

Art. 14.— The election of the Director, Assistant Director and Secretary-Treasurer is subject to the ratification of the General Assembly of the Community.

Art. 15.— The new Director, Assistant Director and Secretaries may enter upon the duties of their offices only after confirmation by the General Assembly of the Community.

Art. 16.— The Director is especially charged with overseeing the execution of the laws of the Community and the observation of its principles, administering the Colony in concert with the Colonial Assembly, executing the decisions of the latter, representing it on the outside and rendering an account of its operations, and corresponding with the Board of Managers.

Art. 17.— The Secretary-Treasurer takes care of the cash, makes the payments, keeps the account books and draws up the letters sent to the Assembly for approval, all of which is under the supervision of the Director, and in collaboration with him.

Art. 18.— Admission to the Colony, the agreements made, the duties of the colonists, all questions relative to the shares will be regulated by special law which will be done by constantly revising the law of April 5, 1850, on admission, withdrawal, and expulsion, and for the regulation of what shall be given the one or the other who shall leave, either from the Community or from the Colony.

Art. 19.— When the Colony shall include a majority of people definitely admitted into the community — the seat of the latter shall be transferred to the Colony, by a law which shall regulate the organization or the action of the minority, or of the rear-guard remaining at Nauvoo.

This was presented by Citizen Cabet, May 6, discussed in

five meetings, and adopted May 28, upon roll-call, by two hundred to twelve.

Done at Nauvoo, May 28, 1854.

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APPEAL TO ICARIANS OF EUROPE AND AMERICA AND  
TO PHILANTHROPISTS

Icarians of all countries, who are well acquainted with our Icarian system and our Icarian doctrine, who adopt them completely, who partake of our devotion to the cause of the People and of Humanity, who combine all the necessary qualities, who fill all the required conditions, and especially who consent freely and voluntarily to put all in common in order to bring about the triumph of our system of Fraternity and Community, Equality and Liberty, of Democracy and of the Republic, come, aid us to establish in the wilderness an Icarian Commune and afterward a State. Come, Brothers, and you will be welcome!

And you who can not come, but who have heroic spirits and generous hearts, you, friends of Progress and of Humanity, you Philosophers or Philanthropists of all classes, you sincere and zealous Christians who desire to contribute by your works to the realization of the true principles of Christianity, you philanthropic Societies, aid us with all your strength and all your means, in our great and difficult evangelical and humanitarian enterprise!

We have everything to create in the wilderness, our houses and our workshops, our agriculture and our industry; our sciences and our arts, our schools and our temples; we shall have need of land and of animals, of machines and of steamboats, etc. etc., that is to say, of money and of much money. Assist us by your knowledge and your advice, by your support, above all by your gifts or your loans.

*Signed*  
*Cabet*

There are many wealthy people who desire to make themselves useful without knowing how to satisfy their desires effectually. Let them promote the success of Icaria and the grateful Icarians will perpetuate their names as benefactors of Humanity.

*The President of the Community.*

CABET.

## SOME PUBLICATIONS

*Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa.* By EDWARD H. STILES. Des Moines: The Homestead Publishing Co. 1916. Pp. 988. Portraits. This large volume is one of the most important contributions to the literature of Iowa history which has appeared in recent years. The author came to Iowa in 1856 and entered upon the practice of law at a period when a great many of the men who later became the leading jurists and statesmen of Iowa were building the foundations of their reputations. He was a member of the lower house of the Tenth General Assembly and a member of the Senate at the succeeding session. In 1867 he became Supreme Court Reporter and served in that capacity for eight years. Furthermore, he was the author of a digest of the decisions of the Supreme Court from Territorial times down to the fifty-sixth volume of the reports. He therefore had abundant opportunity to become personally acquainted with the lawyers and public men of his time.

The book contains biographical sketches of varying length of fully six hundred Iowa men, most of whom were leaders in their communities and in the State. Even to enumerate the names of the men thus included would be impossible in this connection. It is sufficient to say that anyone wishing data concerning the prominent Iowans during the period covered would not consult this book in vain. The author has not depended upon his own memory or knowledge, but has spent many years in the collection of data with a view to securing all the facts and to producing an accurate record. At the same time charm and color and particular value are given to a large number of the sketches by means of anecdotes, descriptions, and characteristic incidents or statements gleaned from the personal recollections of the author.

Works of this kind are rare in Iowa. Mr. Stiles has rendered a service which can scarcely be over-estimated, and it is to be hoped

that other men who have lived long in this State will be inspired to follow his example.

*Iowa Stories: Book One.* By CLARENCE RAY AURNER. Iowa City: Published by the author. 1917. Pp. 138. Plates, maps. This is a book of true stories of Iowa history, written primarily with view to its use as supplementary reading in the grade schools of the State. Iowa has been somewhat behind neighboring States in the introduction of instruction in local history into the public schools. The need has been felt more and more strongly in recent years, and this little book should receive a warm welcome from the many teachers who have long desired something of this kind.

The book contains twenty-seven stories dealing with the first roads of Iowa, the roads of the white man, how one road was marked, other early roads, crossing the streams, the pioneers, the tumbleweed frolic, prairie fires, winter storms, a journey to Iowa, pushing the Indians out of Iowa, getting an Iowa farm, the first houses, the food in the log cabin, the simple machines of the new home, good neighbors, a better house, the first family industries, early flouring mills, saw mills, woolen mills, living on game, an Indian uses his eyes, the stage and mail coach in Iowa, Wapsie-Pinicon, the first schools in Iowa, and seeing, hearing, and reading. The stories are told in a simple, interesting style, and numerous illustrations help to visualize many of the subjects under discussion.

*Downing's Civil War Diary.* By SERGEANT ALEXANDER G. DOWNING, Company E, Eleventh Iowa Infantry. Edited by OLYNTHUS B. CLARK, Ph. D. Des Moines: The Historical Department of Iowa. 1916. Pp. vi, 325. Portraits, plates. In his preface the editor states very clearly that the diary as published in this volume "is not a verbatim reproduction of the original text." Neither is it a copy of a revision of the diary made by the author and completed in 1914. It is a combination of the original diary and the author's revision, together with such emendations and alterations as were deemed desirable by the editor, all of which were approved by the author. "This printed edition then," says Professor Clark, "lays no claim to being what it is not, the publication of the original text without change. It is an edited edition which retains to

the fullest possible degree the original in the essentials of fact and spirit." It must be conceded that the carrying out of this policy has resulted in a volume which is not only more readable but of greater value than would have been produced by a mere literal transcription of the original diary.

Some idea of the contents of the diary and of the battles and campaigns witnessed by the author can be gained from a list of the headings given to the various chapters into which the work is divided, namely: enlisting in the United States service; in Camp McClellan; the mobilization at Benton Barracks; in winter quarters and garrison duty; mobilization at Pittsburg Landing and the battle of Shiloh; the battles in and around Corinth; on guard at Bolivar, Tennessee; the battles of Iuka and Corinth; the campaign around Holly Springs and retreat to Lafayette; the Vicksburg campaign; the campaign against Jackson, Mississippi; on guard at Vicksburg and the fruitless expedition to Monroe, Louisiana; a siege of fever and ague; reenlisting as veterans; the expedition to Meridian; home on veteran's furlough; mobilization at Cairo; the battles around Atlanta; in the hospital at Rome, Georgia; rejoining the eleventh Iowa at Atlanta; marching through Georgia; raid through South Carolina; march through North Carolina; the last campaign; peaceful march through Virginia and the grand review at Washington; the mustering out and return to the harvest field.

This volume is a welcome addition to Civil War literature. Diaries of this kind, giving a first-hand, personal view from the standpoint of the soldier in the ranks, are all too rare. Those concerned in the preparation and publication of this diary have rendered a service to all students of the military history of Iowa.

*The Mississippi Valley in British Politics.* By CLARENCE WALWORTH ALVORD. Two volumes. Cleveland: The Arthur H. Clark Company. 1917. Pp. 358, 396. Maps. This scholarly work by Professor Alvord is not only the result of painstaking research covering a long period of time, but it blazes a new path into a virtually unknown field of knowledge concerning the early history of the West. Right at the outset the author hurls his defiance at the orthodox view of the Revolutionary period. "Within these pages",

he says, "the stereotyped narrative of events preceding the American Revolution is not to be found. To seek the material for a history of the period wholly outside that consecrated circle which encloses such important and portentous events as the Boston massacre and the famous tea-party must appear to the general reader to be in itself revolutionary. . . . Yet while I am writing the preface, . . . let me forget for a moment my critic and boldly assert that whenever the British ministers soberly and seriously discussed the American problem, the vital phase to them was not the disturbances of the 'madding crowd' of Boston and New York but the development of that vast transmontane region that was acquired in 1763 by the Treaty of Paris."

This attitude the author proceeds to justify in the pages of the two volumes which, as the title indicates, deal not with events in the West itself but with movements and discussions in England which centered in the vital problem of the policy to be followed with regard to the Mississippi Valley. In the first volume Professor Alvord treats of government by factions, the treaty of peace in 1763, the beginning of western speculation, the earlier western colonial policy of Great Britain, the choice of the man, the formation of the policy, the proclamation of October 7, 1763, the organization of the Indian Department, the plans of the old Whigs, the Chatham ministry, Indian management and western trade, and Lord Shelburne's western policy. Continuing the narrative, volume two deals with the Bedford alliance and its results, the new policy in the far West, the Indian boundary line, plans for the upper Ohio Valley, politics and the colony of Vandalia, ministerial delays and official inefficiency, the breakdown of the ministerial policy, and the final western policy. A special bibliography, a general bibliography, and an excellent index complete the work.

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The *Thirty-first Annual Report of the Bureau of American Ethnology* is chiefly devoted to an extensive study of *Tsimshian Mythology*, by Franz Boas.



In *The Yale Review* for January, among others there are the following articles: *A Progressive's View of the Election*, by Walter Lippmann; *Women in the Campaign*, by Frances A. Kellor; *The Railroads and the People*, by James O. Fagan; and *The Adamson Law*, by Edwin J. Clapp.

The *Thirteenth Annual Report* of the Library Board of the Virginia State Library contains a *List of the Colonial Soldiers of Virginia*, compiled by H. J. Eckenrode.

The December number of *The American Labor Legislation Review* is devoted to health insurance, irregularity of employment, and protective legislation in the interest of women in industry. Health insurance is also the general topic discussed in numerous papers in the March number, where there are also several articles dealing with working hours in continuous industries.

The New York Public Library has issued a pamphlet by Edmund Lester Pearson, dealing with various phases of *Book-Reviews*, which is well worth reading.

*A Reserve Army*, by John F. Morrison; *Front and Rear of the Battle-line at Waterloo*, by J. Von Pflugk-Harttung; and *Our Preparations for the War with Mexico, 1846-1848*, by Justin H. Smith, are articles in the January number of *The Military Historian and Economist*.

The January number of the *Smith College Studies in History* is devoted to *Correspondence of George Bancroft and Jared Sparks*, edited by John Spencer Bassett.

The *Transactions of the Royal Society of Canada* for September, 1916, contains, among others, the following articles: *La Prevote de Quebec*, by Pierre-Georges Roy; *Les Metamorphoses dans les Contes Populaires Canadiens*, by C. Marius Barbeau; *The Contest for the Command of Lake Ontario in 1812 and 1813*, by E. A. Cruikshank; and *Thucydides and History*, by Maurice Hutton.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* consists of a monograph by James

Miller Leake on *The Virginia Committee System and the American Revolution*.

*Slavery and the Slave Trade in Africa*, by Jerome Dowd; *The Negro in the Field of Invention*, by Henry E. Baker; *Anthony Benezet*, by C. G. Woodson; part two of a study of *People of Color in Louisiana*, by Alice Dunbar-Nelson; and *Notes on Connecticut as a Slave State* are articles in the January number of *The Journal of Negro History*.

Among the contributions in the February number of *The Quarterly Journal of Economics* is an article by Ellsworth Huntington on *Climatic Change and Agricultural Exhaustion as Elements in the Fall of Rome*.

*A Chapter from the Doniphan Expedition of 1847*, taken from a book written in 1847 by John T. Hughes, a member of the expedition, is to be found in the January number of the *Journal of the United States Cavalry Association*. Other articles are: *The Cavalry Fight at Ojos Azules*, by S. M. Williams; *Cavalry Work of the Punitive Expedition*, by George S. Patton; *The Cavalry Fight at Carrizal*, by Lewis S. Morey; and *Reveries of an Old Field Officer*.

*Problems of Race Assimilation in America, with Special Reference to the American Indians*, by Arthur C. Parker; *A Year's Experience in Community Service Work Among the Ute Tribe of Indians*, by Gertrude Bonnin; *Indiana and Prohibition*, by Dorcas J. Spencer; *The Indian Service — An Opportunity*, by Flora Warren Seymour; *Indian Citizenship*, by Theodore Roosevelt; and *The American Army's Debt to the Indian*, by W. O. M'Geehan, are articles in the October-December number of *The American Indian Magazine*.

Among the contributions to be found in the January-March number of *The Journal of American History* are the following: *The Old Days of the Washington Navy Yard*, by Edmund Walters Bonaffon; *A Young Lady's Sprightly Account of Washington's Visit to Lexington in 1789*, contributed by Wright Tarbell; *Florida under the English Flag, 1763-1783*, by Helen B. Tingley; *Was Adrian Scrope*,

*the Regicide, Ancestor of the American Throop Family?*, by Mabel T. R. Washburn; and *The Declaration of Independence, its Principle and its Power*, by L. Bradford Prince.

*The Proceedings of the Academy of Political Science in the City of New York* for January contains numerous papers relating to the general subject of *Labor Disputes and Public Service Corporations*. The papers are grouped under four sub-topics: governmental mediation and arbitration, trade unions and compulsory arbitration, trade unions and mediation and conciliation, and recent aspects of labor disputes.

*American Diplomacy in the European War*, by Munroe Smith; two discussions of the constitutionality of the *Federal Child-Labor Law*, by Henry Hull and Thomas I. Parkinson; *The Trainmen's Eight-hour Day*, by Edwin Clyde Robbins; *The Constitutional Aspects of the "Parson's Cause"*, by Arthur P. Scott; *New Light on the Monroe Doctrine*, by William R. Shepherd; and *McKinley and Foraker*, by Benjamin B. Kendrick, are articles in the December number of the *Political Science Quarterly*.

The interesting address on *The Scientific Spirit in Politics* delivered by Jesse Macy as president of the American Political Science Association at Cincinnati in December occupies the opening pages in *The American Political Science Review* for February. *Pan-Turanism* is the subject of a paper by T. Lathrop Stoddard. Very timely is a discussion of *The Control of Foreign Relations*, by Denys P. Myers. A historical and descriptive account of *The Department of the Navy* is presented by Robert W. Neeser. Some *Obstacles to Municipal Progress* are pointed out by Henry T. Hunt. The "Legislative Notes and Reviews", conducted by John A. Lapp, contain notes on the powers of the Lieutenant-Governor, direct legislation in 1916, constitutional conventions, State budget systems, economy and efficiency, and absent voting.

Practically all of the articles in *The South Atlantic Quarterly* for January have a general historical character and interest. Among others, there are the following articles: *Recollections of my Plantation Teachers*, by Philip Alexander Bruce; *Education and*

*Crime among Negroes*, by Gilbert T. Stephenson; *Liberalism*, by James Hardy Dillard; *Arthur Dobbs of Castle Dobbs and Carolina*, by A. J. Morrison; *Federal and State Regulation of Child Labor*, by Harry Tucker; *Stonewall Jackson: The Christian Warrior*, by Daniel B. Lucas; and *The Relief of Soldier's Families in North Carolina During the Civil War*, by Clyde Olin Fisher.

*The Present Labor Situation* is the main topic of discussion in the January number of *The Annals of the American Academy of Political and Social Science*. The numerous papers are grouped into seven parts. Part one deals with certain aspects of the labor situation; part two with wages, working conditions, and hours of labor; part three with public employment bureaus; part four with some aspects of collective bargaining; part five with compulsory arbitration or investigation before strikes or lockouts; part six with voluntary arbitration and conciliation in private businesses; and part seven with the fixing of hours and wages in the railroads and other public utilities. The March number of the *Annals* is devoted to some *Modern Insurance Problems*, the main sub-topics being life insurance; fire insurance; and accident and health, and workmen's compensation insurance.

*War and Peace in the Light of History*, by Carl C. Eckhardt; *Pictorial Documents as Illustrating American History*, by Frank Weitenkampf; *Some Aspects of Supervised Study in History*, by Robert D. Armstrong; and *Construction for History in the Grades*, by Mary A. Whitney, are articles in the February number of *The History Teacher's Magazine*. In the March number there appear the following papers: *Laboratory Methods of Teaching Contemporary History at Columbia University*, by Parker T. Moon; *Changing Emphasis in European History in the High Schools of California*, by Geroid Robinson; *Newark's 250th Anniversary Celebration: Its Historic Features*, by Daniel C. Knowlton; and *The Relation of the History Curriculum to Vocational Training in the High Schools*, by Wilson P. Shortridge.

## WESTERN AMERICANA

*Indianapolis: An Outline History and Description of the Hoosier Capital* is the title of an illustrated booklet of about sixty pages, published at Indianapolis by Max R. Hyman, as a souvenir of the Indiana Centennial Celebration in that city in October, 1916.

The A. Flanagan Company of Chicago are the publishers of a volume by Irwin F. Mathes, entitled *The Making of Illinois: a History of the State from the Earliest Records to the Present Time*.

Two studies in the *University of California Publications in American Archaeology and Ethnology* which appeared in February are: *Bandelier's Contribution to the Study of Ancient Mexican Social Organization*, by T. T. Waterman; and *Tubatulabal and Kawaiisu Kinship Terms*, by Edward Winslow Gifford.

Number thirty-three of the *Indiana University Studies* consists of a monograph by Frederic H. Guild on *State Supervision and Administration of Charities*.

A sketch of the career of Charles F. Scott appears in *The Graduate Magazine of the University of Kansas* for February. In the March number, under the heading *Our Most Picturesque Fighter*, there is an appreciation of the character and services of the late Major General Frederick Funston.

*Mitigating Rural Isolation*, by John Morris Gillette; *Some Reasons Why North Dakota Should Adopt the Uniform Sales Act*, by Lauriz Vold; *The Next Step Toward Efficiency in Public Health*, by John W. Cox; and *Regulation of Public Utilities*, by Heiskell B. Whaling, are articles in the January number of *The Quarterly Journal of the University of North Dakota*.

Volume five of the *University of California Publications in History* consists of a monograph of four hundred and fifty pages by Herbert Ingram Priestley on *José de Galvez, Visitor-General of New Spain (1765-1771)*. The ten chapters deal with the life of Galvez, the historical background, the administration of New Spain, the origin and character of the general visitation, Galvez and

Cruillas — the tobacco monopoly, customs reforms at Vera Cruz, the expedition of 1767, Galvez in California, Galvez in Sonora, the end of the visitation, and real hacienda and the reforms of Galvez.

*Collection of Nebraska Pioneer Reminiscences* is the title of a handsome and interesting volume issued by the Nebraska Society of the Daughters of the American Revolution. It is a book of over three hundred and fifty pages containing nearly one hundred brief sketches dealing with the early history of various counties and towns, incidents of frontier life, episodes concerning Indians, and other recollections of the early days in Nebraska, written by men and women who were pioneers or early settlers of Nebraska.

Volume five, number four of the *University of Illinois Studies in the Social Sciences* consists of a monograph on *Mine Taxation in the United States*, by Lewis E. Young. After an introduction the subject is treated under such chapter headings as Federal taxation of mines, mineral lands, and mining corporations; history of mine taxation in the States; constitutional and statutory enactments; methods of taxing mines and mineral lands in the States; systems of mine taxation compared; problems of administration; the tax burden; and suggested methods of taxation and reforms.

The Caxton Club of Chicago has brought out a handsome volume of nearly three hundred pages on *The Development of Chicago 1674-1914 Shown in a Series of Contemporary Original Narratives*, compiled and edited by Milo Milton Quaife. Following an introduction, the book is divided into four parts dealing with events on the site of Chicago during the seventeenth century, Chicago as a military outpost, the birth of modern Chicago, and the development of the city as a metropolis. The story is told by means of selections from letters and journals of such explorers, officers, and travelers as Father Marquette, Joutel, William Johnston, Lewis Cass, Stephen H. Long, Harriet Martineau, Joseph Jefferson, Fredrika Bremer, and Arnold Bennett.

## IOWANA

Installments of *A Study of School Surveys*, by Raymond E. Mendenhall, which is historical in character, appear in *Midland Schools* in January, February, and March.

*An Experience with Outlaws*, by Eleanore Montgomery; and *Back in Old Plano*, by F. G. Pitt, are two articles in the January number of *Autumn Leaves*. A discussion of *Abraham Lincoln and his Work*, by Henry A. Stebbins, is begun in the March number.

*A Brief History of Track Athletics at Grinnell*, by C. E. Fisher, is to be found in the January number of *The Grinnell Review*.

*The Iowa Alumnus* for January opens with an article by C. S. Chase entitled *A Distinguished Alumnus — Senator Eli C. Perkins*. An account of the celebration of Foundation Day at the State University on February 26th is contained in the March number.

Among the articles in *American Municipalities* for January is one on *Public Utilities and City Finances*, by John F. Ford. *Municipalities and the State* is the subject discussed by Ora Williams in the February number. In March, among other things, George C. Warren presents a brief *History of Guarantees of Pavement*.

Among other articles, there is a *Historical Sketch of the Engineering Library*, by Caroline E. Laird, in the February number of *The Iowa Engineer*.

*Good Roads and Community Life in Iowa* is the title of a study by John E. Brindley and John S. Dodds, which constitutes a bulletin of the Engineering Experiment Station at Ames published in January.

*The Mormons*, by Alexander Majors; some *Letters of Bishop George Miller*; and an excellent though unsigned article on *Pioneer Trails Across Iowa* are contributions in the January number of the *Journal of History* published at Lamoni, Iowa, by the Reorganized Church of Jesus Christ of Latter Day Saints. There is also a continuation of the biographies of the *Presidents of the Seventy*.

The March number of the *Iowa Law Bulletin* contains an article of sixty pages on *The Uniform Sales Act and its Effect upon the Iowa Decisions and Statutes*, by H. C. Horack.

In the March number of *The Iowa Churchman* there appear appreciations of the late Jenness J. Richardson, who for nearly sixty years was connected with the *Davenport Democrat* and for many years its editor.

Under the title of *Barbed Wire and Other Poems*, Edwin Ford Piper contributes to *The Midland: A Magazine of the Middle West* for January, February, and March a series of poems based upon incidents in the lives of the early settlers on the prairies of this western country. In the February number appear some Indian legends related by Nelson A. Crawford under the heading of *The Golden Dawn Time*.

*Potowonok: An Historical Sketch of Fort Madison, in Verse*, by Earle Sloan Smith, is an interesting bit of Iowana which appeared in November, 1916, from the press of *The Evening Democrat* at Fort Madison.

*The Iowa Magazine* is a new periodical published at Davenport by the Greater Iowa Association. Its purpose is to give publicity to the advantages and resources of this State, and to promote the prosperity of its people. In the January number the work of the Greater Iowa Association is described; the legislative program confronting the Thirty-seventh General Assembly is outlined by Ora Williams; and there is a brief sketch of the career of Theodore N. Vail, who lived for a time during his boyhood in Blackhawk County. In the February-March number Albert E. Jackson presents an account of the Indians in Tama County; *Pending Labor Legislation: Chase Bill 3*, is discussed by Nathaniel French; *State Regulation of all Fire Insurance* is the subject of an article by Emory H. English; and there is a biographical sketch of George M. Reynolds, the well-known Chicago banker, who was born and raised in Guthrie County.

*Teaching Patriotism*, by A. R. McCook; *The Ups and Downs of a School-master*, by E. V. Laughlin; and *A Sketch of an Old Log*



*School House Boy*, by Tacitus Hussey, are among the articles in the January number of *The Educational Digest* published at Anamosa. The article by Mr. Laughlin is continued in the February number, where may also be found the following contributions: *Lincoln, our First American*, by C. A. Beems; *Dramatizing the Civics Course*, by Harry A. Gillis; and *Lenox College, the Old and the New*, by Arthur H. McKechnie. Articles which appear in March are: *The Old Flag — A Reminiscence*, by Tacitus Hussey; *Old Denmark Academy*, by John Barnes; *War and Romance in Early Iowa*, a poem on Fort Madison, by Earle Sloan Smith; and a historical account of the *Iowa State Teachers' Association*, by Homer H. Seerley.

## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

- Aurner, Clarence Ray,  
*Iowa Stories: Book One*. Iowa City: Published by the author. 1917.
- Branch, Homer Potter,  
*Iowa Legends and Lyrics*. Sumner, Iowa: Published by the author. 1916.
- Brindley, John E., and John S. Dodds,  
*Good Roads and Community Life in Iowa*. Ames: Iowa State College of Agriculture and Mechanic Arts. 1917.
- Brown, Charles Reynolds,  
*The Master's Way: A Study in the Synoptic Gospels*. Boston: Pilgrim Press. 1917.
- Carver, Thomas Nixon,  
*Standardization in Marketing* (Quarterly Journal of Economics, February, 1917).
- Catt, Carrie Chapman,  
*Woman Suffrage by Federal Constitutional Amendment*. New York: Woman Suffrage Publishing Co. 1917.
- Clark, Olynthus B.,  
*Downing's Civil War Diary*. Des Moines: The Historical Department of Iowa. 1916.
- Cosson, George,  
*Why an Injunction and Abatement Law* (American City, January, 1917).

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- Devine, Edward Thomas,  
*Social Insurance a Live Issue* (Survey, December 16, 1916).
- Franklin, William Suddards,  
*Education after the War* (Science, December 15, 1916).
- Garland, Hamlin,  
*Meetings with Howells* (Bookman, March, 1917).
- Given, Welker,  
*A Pagan's Christmas Hymn*. Clinton, Iowa: L. P. Allen.  
1916.
- Hall, James Norman,  
*A Finger and a Huge, Thick Thumb: A Ballad of the Trenches*  
(Century, January, 1917); *Out of Flanders* (Literary Digest,  
February 10, 1917).
- Horack, H. Claude,  
*The Uniform Sales Act and its Effect upon the Iowa Decisions  
and Statutes* (Iowa Law Bulletin, March, 1917).
- Hough, Emerson,  
*The Man Next Door*. New York: D. Appleton & Co. 1917.
- Hughes, Rupert,  
*In a Little Town*. New York: Harper & Brothers. 1917.
- Hutchinson, Woods,  
*Mind Your Eyes* (Good Housekeeping, February, 1917);  
*Mountains and Molehills* (Good Housekeeping, March, 1917).
- King, Irving,  
*Relationship of Abilities in Certain Mental Tests to Ability as  
Estimated by Teachers* (School and Society, February 17,  
1917).
- Lewis, Ervin E.,  
*Standards for Measuring Junior High Schools*. Iowa City:  
State University of Iowa. 1916.
- McClenahan, Bessie A.,  
*The Social Survey*. Iowa City: State University of Iowa.  
1916.
- Newton, Joseph Fort,  
*An Ambassador*. New York and Chicago: Fleming H. Revell.  
1916.

- Nichols, Charles Sabin,  
*Sewage Disposal for Village and Rural Homes*. Ames: Iowa State College of Agriculture and Mechanic Arts. 1916.
- Robbins, Edwin Clyde,  
*Practical Application of the Social Sciences* (School and Society, December 2, 1916); *South American Lumber Markets* (American Economic Review, December, 1916); *The Trainmen's Eight-hour Day* (Political Science Quarterly, December, 1916).
- Ross, Edward Alsworth,  
*Class and Caste* (American Journal of Sociology, January, 1917).
- Schulte, Peter F.,  
*Protest Against the Cruel War*. Cedar Rapids: Published by the author. 1916.
- Shambaugh, Benj. F. (Editor),  
*Statute Law-making in Iowa* (*Applied History*, Vol. III). Iowa City: The State Historical Society of Iowa. 1916.  
*Iowa Manual of Legislative Procedure*. Des Moines: The State of Iowa. 1917.
- Smith, Earle Sloan,  
*Potowonok: An Historical Sketch of Fort Madison, in Verse*. Fort Madison: The Evening Democrat. 1916.
- Smith, Lewis Worthington,  
*In Sunday's Tent*. Boston: Four Seas. 1916.
- Starch, Daniel,  
*Estimated Value of School Studies* (School and Society, January 13, 1917).
- Wagner, Herbert Walter,  
*A Study of Oil Engines in Iowa Plants*. Ames: Iowa State College of Agriculture and Mechanic Arts. 1916.
- Watkins, Emma,  
*Games to Teach Correct English to Little Ones*. Iowa City: Published by the author. 1917.
- Willsie, Honore,  
*Lydia of the Pines*. New York: Frederick A. Stokes Co. 1917.

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### SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

#### *The Des Moines Register and Leader*

Veteran Tells of Mustering out at Close of Civil War, January 3, 1917.

Legislative Equipment, January 7, 1917.

Sketch of the life of George W. Seevers, January 7, 1917.

Work of Iowa State Railroad Commission, by Clifford Thorne, January 15, 1917.

Polk County Pioneers — Picture of 455 of the Foundation Builders of Iowa, January 21, 1917.

Iowa: Realm of Beauty and Wealth, by C. C. Pugh, January 21, 1917.

The Old Capitol, January 23, 1917.

The Story of Iowa, January 25, 1917.

First Woman Superintendent of Schools, January 28, 1917.

Liquor Laws of Iowa, February 6, 1917.

Career of the late E. T. Cressey, February 11, 1917.

Sketch of the life of Horace E. Teachout, February 23, 1917.

A Chapter of Iowa Politics — J. J. Richardson's Part, February 25, 1917.

J. J. Richardson, Oldest Vestryman in Iowa, February 25, 1917.

Last Tribute to Captain Greeley, by Dean E. W. Stanton, February 27, 1917.

Sketch of the life of Horace E. Deemer, February 27, 1917.

A Tribute to Horace Emerson Deemer, by Johnson Brigham, February 28, 1917.

Sketch of the life of Patrick Quigley, Veteran Dubuque Publisher, March 2, 1917.

The Boyhood of Buffalo Bill, March 4, 1917.

Iowa Constitution is Sixty Years Old, March 5, 1917.

Early Landmarks, March 7, 1917.

#### *Miscellaneous*

Last of Pioneer Memorials Gives Way, in the *Vinton Eagle*, January 2, 1917.

Personal Reminiscences of Lincoln, by L. E. Smith, in the *Cresco Times*, January 2, 1917.

- Californians Celebrate Iowa's Admission, in the *Des Moines Plain Talk*, January 4, 1917.
- Webster County Pioneer Tells of Old Time Winters, in the *Lithograph City Enterprise*, January 4, 1917.
- Sketch of the life of Charles Clinton Nourse, in the *Des Moines Plain Talk*, January 4, 1917.
- Early History of Avoca, in the *Avoca Journal-Herald*, January 5, 11, 1917.
- The Frontier Sketches, running in the *Burlington Post*.
- Steamboats and Steamboatmen of the Upper Mississippi, by George B. Merrick, running in the *Burlington Post*.
- Lack of Markets in Early Iowa, in the *Burlington Post*, January 6, 1917.
- How Country Bumpkins Spelled Down College Students, in the *Grinnell Herald*, January 8, 1917.
- Some Iowa History, in the *Burlington Hawk-Eye*, January 9, 1917.
- Names of Iowa Counties, in the *Des Moines Plain Talk*, January 11, 1917.
- Pioneer History of Floyd County, running in the *Lithograph City Enterprise*.
- An Old Graveyard in Jefferson County, by Hiram Heaton, in the *Burlington Post*, January 13, 20, February 3, 1917.
- Historical Sketch of Clarke County, by Jasper Blines, in the *Burlington Post*, January 13, 1917.
- Recollections of Attorneys of Early Davenport, by E. H. Stiles, in the *Davenport Democrat*, January 14, February 11, 18, March 4, 11, 1917.
- When the German Immigrants of 1850 Came, in the *Cedar Rapids Republican*, January 14, 1917.
- Think of the Pioneers, in the *Des Moines Capital*, January 15, 1917.
- John Frazee, Early Pioneer of Chickasaw County, in the *New Hampton Tribune*, January 17, 1917.
- Old Spelling Match, in the *Knoxville Express*, January 17, 1917.
- Oldest Member of General Assembly, in the *Knoxville Express*, January 17, 1917.
- Grave of Truman L. Davis, First Settler in Greene County, in the *Jefferson Bee*, January 17, 1917.

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- Page County History, in the *Clarinda Journal*, January 18, 1917.
- Captain Fred A. Bill Quits River After Service of Forty-nine Years, in the *Lansing Mirror*, January 19, 1917.
- Pioneer Writes of Early History of Dayton, in the *Dayton Review*, January 18, 1917.
- Big Game of Pioneer Days, in the *Knoxville Journal*, January 18, 1917.
- Pioneer Days in Johnson County, in the *Oxford Leader*, January 18, 1917.
- Death of Cody Recalls "Wild Bill" Hickock of Clinton, in the *Clinton Herald*, January 20, 1917.
- Some Features in the History of the Burlington Road, in the *Burlington Hawk-Eye*, January 21, 1917.
- Charles Elliott Perkins: The Beginning of his Railroad Career, in the *Burlington Hawk-Eye*, January 21, 1917.
- Bones of Black Hawk, in the *Burlington Hawk-Eye*, January 21, 1917.
- Burlington and the Fugitive Slave Law, in the *Burlington Hawk-Eye*, January 21, 1917.
- Davenport has Letter from Buffalo Bill, in the *Davenport Democrat*, January 21, 1917.
- A School Reminiscence, in the *Charter Oak Times*, January 24, 1917.
- Early Residents of Pottawattamie County, in the *Oakland Acorn*, January 25, 1917.
- Sketch of the life of C. J. Huntley of Nashua, in the *New Hampton Courier*, January 25, 1917.
- Montgomery County History, in the *Farragut Leader*, January 25, 1917.
- Recollections of a Country Editor, by E. H. Thomas, in the *Burlington Post*, January 27, 1917.
- The Days of '49 in Knoxville, in the *Knoxville Express*, January 31, 1917.
- Sketch of the life of John F. Merry, in the *Manchester Press*, February 1, 1917.
- Notable Dubuque County Lawyers of Former Years, by E. H. Stiles, in the *Dubuque Telegraph-Herald*, February 4, 11, 18, 1917.

- Recollections of Pioneer Days, by W. H. H. Barker, in the *Knoxville Express*, February 7, 1917.
- Historic Iowa Constitutional Conventions, in the *Fairfield Ledger*, February 8, 15, 1917.
- Exciting Times of Pioneer Days—Escapades of Notorious Desperado, by Alfred Hammer, in the *Pleasantville News*, February 8, 1917.
- Early Times in Oskaloosa, in the *Grinnell Register*, February 8, 1917.
- Man Who Worked for Lincoln in 1859 Tells of his Experiences, in the *Waterloo Courier*, February 10, 1917.
- Burning of Bondurant Homestead Revives Memories of Early Days, *Altoona Herald*, February 15, 1917.
- Sketch of the life of William Angus, Pioneer of Mills County, in the *Malvern Leader*, February 15, 1917.
- Pioneer Store in Clarinda, in the *Clarinda Journal*, February 15, 1917.
- Reminiscences of Pioneer Woman, in the *Waterloo Courier*, February 17, 1917.
- An Appreciation of J. J. Richardson, in the *Davenport Times*, February 20, 1917.
- Sketch of the life of Jenness J. Richardson, in the *Davenport Times*, February 20, 1917.
- Cemeteries of Earlier Days, by Hiram Heaton, in the *Fairfield Ledger*, February 21, 28, March 7, 1917.
- Sketch of the life of Horace E. Teachout, in the *Des Moines Capital*, February 23, 1917.
- Cedar County, its Old Settlers and its Book of Original Entry, by B. L. Wick, in the *Cedar Rapids Republican*, February 25, 1917.
- Sketch of the life of Horace E. Deemer, in the *Des Moines Capital*, February 26, 1917.
- University has Long History, in the *Iowa City Citizen*, February 26, 1917.
- Iowa's Bowlders Came from North, in the *Winterset News*, February 28, 1917.

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Early Landmarks, by C. L. Lucas, in the *Boone Democrat*, March 1, 1917.

Sketch of the life of Henry C. Plumb, in the *Des Moines Capital*, March 2, 1917.

Some Early History of "The Silvery Coon", in the *Stuart Herald*, March 2, 1917.

Passing of Lansing's Foremost Citizen — James Patrick Conway, in the *Lansing Mirror*, March 2, 1917.

When Steamboats Plied the Des Moines River, in the *Knoxville Express*, March 7, 1917.

Early Days Around Twin Lakes, in the *Manson Journal*, March 7, 1917.

F. M. Hubbell Helped to Organize Sioux County, in the *Hawarden Independent*, March 8, 1917.

Many Important Matters Before Lawmakers, in the *Belle Plaine Union*, March 8, 1917.

James Wilson Grimes — A Brave Man, in the *Burlington Hawk-Eye*, March 11, 1917.

Early Recollections of a Swelsburg Pioneer, in the *Mt. Pleasant Free Press*, March 15, 1917.

A. S. Bailey, State Clerk in 1858, Returns to Capitol, in the *Shenandoah Sentinel-Post*, March 19, 1917.

How the Marion County Pioneer Received his Mail, by W. H. H. Barker, in the *Knoxville Express*, March 21, 1917.

Reminiscences of Hon. H. B. Haselton, in the *Carroll Herald*, March 21, 1917.

Other Winters, in the *Estherville Republican*, March 21, 1917.

Life Work of James B. Graham, in the *Carroll Herald*, March 21, 1917.

Some Early History of Tama, in the *Tama News*, March 22, 1917.

Sketch of the life of Henry C. Hunt, in the *Cedar Falls Record*, March 22, 1917.



## HISTORICAL SOCIETIES

### PUBLICATIONS

*Bulletin No. 1*, recently issued by the State Historical Society of North Dakota, contains an illustrated description of the museum and library of the Society at Bismarck.

The Rhode Island Historical Society has published a unique little booklet entitled *Westminster Street, Providence, as it Was About 1824*, and containing a number of cuts from drawings made by Francis Read, which have recently been presented to the Society.

In the September-December number of the *German American Annals* there appear the following articles: *The General Swiss Colonization Society*, by Preston A. Barba; *Kieffer Freundschaftsalbum*, by W. W. Florer; and *Deutsche Charakterbilder aus der Brasilianischen Geschichte*, by Friedrich Sommer.

A short article on *Daniel Boone at Limestone, 1786-1787*, by David I. Bushnell, Jr., appears in the January number of *The Virginia Magazine of History and Biography*.

*Bulletin of Information*, Nos. 85 and 86, published by the State Historical Society of Wisconsin, contain, respectively, a list of the portraits and paintings in the Wisconsin Historical Museum; and a list of the periodicals and newspapers received currently by the Society, corrected to January 1, 1917.

Some *Letters of John Rutledge*, annotated by Joseph W. Barnwell; and another installment of the *Order Book of John Faucheraud Grimké* are among the contents of *The South Carolina Historical and Genealogical Magazine* for October, 1916.

The January number of *The Pennsylvania Magazine of History and Biography* is largely given over to a study of *The Life and Services of Samuel Whitaker Pennypacker*, by Hampton L. Carson.

An appendix contains a bibliography of the writings and addresses of Governor Pennypacker.

In October and January there appeared the first two numbers of a publication entitled *Manuscripts from the Burton Historical Collection*, collected and published by Clarence M. Burton, and edited by M. Agnes Burton. The publications are filled with letters and short documents scattered over the period from 1762 to 1805 and bearing on the history of Michigan and the Old Northwest. There are letters from or to Sir William Johnson, Nathaniel Greene, Guy Carlton, William Henry Harrison, Henry Dearborn, Pierre Chouteau, and many others.

*Bulletin No. 8* published by the Michigan Historical Commission contains four prize essays written by pupils of Michigan schools in the local history contest for 1915-16. These essays deal with the early history of Three Rivers, Manistee, Cadillac, and Traverse City.

An interesting volume recently published in the *Indiana Historical Collections* by the Indiana Historical Commission is one of about six hundred pages entitled *Indiana as Seen by Early Travelers*. It contains a collection of reprints from books of travel, letters, and diaries written prior to 1830, selected and edited by Harlow Lindley. Among the travelers from whose writings these selections were made are George Imlay, Thomas Ashe, John Bradbury, Morris Birkbeck, William Darby, John Melish, William Pelham, Timothy Flint, Caleb Atwater, and others.

*Charles George Herbermann*, by Peter Condon; the concluding installment of *The Sulpicians in the United States*, by Charles G. Herbermann; *Reverend Charles Hyppolite de Luynes, S. J.*, by the same author; and *Edward Maria Wingfield*, by Edward J. McGuire, are articles in volume ten of the *Historical Records and Studies* published by the United States Catholic Historical Society.

Volumes forty-seven and forty-eight of the *Collections of the New York Historical Society* contain muster and pay rolls of the War of the Revolution, 1775-1783. Volume forty-nine "contains the

proceedings of a Board of General Officers of the British Army at New York, appointed by Sir Henry Clinton, August 7, 1781, to consider the expenditure of public money in the different departments established by him when he succeeded to the command of the British Army at New York."

In *The Missouri Historical Review* for October, 1916, appear some *Letters of Carl Schurz, B. Gratz Brown, James S. Rollins, G. G. Vest* and other Missourians, from the private papers and correspondence of Senator James R. Doolittle, of Wisconsin, contributed by Duane Mowry. Then follow the program of the convention of the Missouri Centennial Committee of One Thousand; a list of the members of the committee; an address to the people of Missouri concerning the proposed celebration, by Walter B. Stevens; and an article entitled *Howard County has two Centennial Celebrations*, by Walter Ridgway.

The essay on *The Leveller Movement: A Study in the History and Political Theory of the English Great Civil War*, by Theodore Calvin Pease, which received the Herbert Baxter Adams Prize in European History for 1915, has been published in book form by the American Historical Association. It makes a volume of over four hundred pages.

Four bulletins issued by the Indiana Historical Commission in November and December contain an outline of the church history of Indiana; suggestions for the organization of county and local historical societies; the report of the Commission from its organization in April, 1915, to December 1, 1916; and the proceedings of the celebration of the one hundredth anniversary of the admission of Indiana into the Union held at the State House in Indianapolis on December 11, 1916.

The *Twentieth Biennial Report* of the Board of Directors of the Kansas State Historical Society, for the period from July 1, 1914, to June 30, 1916, contains, in addition to the report, the proceedings of the annual meetings of the Society in 1915 and 1916, and a comprehensive *History of Kansas Newspapers*, compiled by William E. Connelley.

The Indiana Historical Commission has published and distributed a handsome little volume entitled *The Indiana Medal Commemorating the Completion of a Century of Statehood 1816-1916*. First there is the story of the medal, which was made by Janet Scudder. Then there are brief chapters dealing with the beginnings of the State, milestones of the century, the Indiana centennial, and the growth of Indiana. Finally, there is a bronze replica of the medal itself, imbedded in a sheet of heavy cardboard.

*Grant County Indian Remains* are described by Charles E. Brown and Albert O. Barton in the December number of *The Wisconsin Archeologist*. Other articles are: *Cassville Mounds and Sites*, by Charles E. Brown and Leopold E. Drexel; *A Copper Banner Stone*, by W. A. Titus; and *The Koshkonong Pilgrimage*, by Charles E. Brown.

The *Historical Collections of the Essex Institute* for January opens with another installment of Francis B. C. Bradlee's article on *The Eastern Railroad: A Historical Account of Early Railroad-ing in Eastern New England*. Other contributions are a continuation of Alfred Poore's description of *A Genealogical-Historical Visitation of Andover, Mass., in the Year 1863*; and a short account of *The Chase of the Frigate Constitution*, by Nathaniel Silsbee.

*Tract No. 96*, published by the Western Reserve Historical Society is a volume of over two hundred and thirty pages, about one-fourth of which is taken up with the annual report of the Society for 1915-1916. The remainder of the volume is devoted to a monograph on *The Connecticut Land Company: A Study in the Beginnings of Colonization of the Western Reserve*, by Claude L. Shepard, together with a large number of accompanying documents.

*The Annual Publications of the Historical Society of Southern California* for 1915-1916 is a book of one hundred and thirty pages, containing numerous short papers and addresses. Among those of the most general interest are: *Aspects of the Study of History*, by Rockwell D. Hunt; *Thirty-three Years of History Activities*, by N. M. Guinn; *The Passing of the Rancho*, by J. M. Guinn; *The Great Los Angeles Real Estate Boom of 1887*, by Joseph Netz;

*California's First American School and its Teacher*, by Mary M. Bowman; and *John Bidwell's Arrival in California*, by Robert G. Cleland.

Among the papers in number twenty-five of the *Publications of the American Jewish Historical Society* are the following: *David L. Yules, Florida's First Senator*, by Leon Hühner; *An Unfamiliar Aspect of Anglo-Jewish History*, by Frank I. Schechter; and *Unequal Religious Rights in Maryland Since 1776*, by Benjamin H. Hartogenesis.

Three articles appear in the *Tennessee Historical Magazine* for December, namely: *Fort Prudhomme: Was it the First Settlement in Tennessee?*, by J. P. Young; *Tennessee: A Discussion on the Sources of its Population and the Lines of Immigration*, by Stephen B. Weeks; and *John Bell's Revolt, and his Vauxhall Garden Speech*, by Albert V. Goodpasture. The documents printed in this issue include some *Letters of General John Coffee to His Wife, 1813-1815*, with introduction and notes by John H. De Witt; and the *Roll of Tennessee Cavalrymen in the Natchez Expedition*.

*The Origin of the Iroquois as Suggested by their Archaeology*, by Arthur C. Parker; *The Characteristics of Iroquoian Village Sites of Western New York*, by Frederick Houghton; *Animal Figures on Prehistoric Pottery from Mimbres Valley, New Mexico*, by J. Walter Fewkes; and *Indian Trap Pits along the Missouri*, by A. Hrdlicka, are articles in the October-December number of the *American Anthropologist*. There are also brief biographical sketches of Matilda Cox Stevenson and James Stevenson, by W. H. Holmes.

*Southern Railroads and Western Trade, 1840-1850*, by R. S. Cotterill, is the opening contribution in *The Mississippi Valley Historical Review* for March. Roy Gittinger is the author of a paper on *The Separation of Nebraska and Kansas from the Indian Territory*. A discussion of *The Indian Policy of Spain in the Southwest 1783-1795* is presented by Jane M. Berry. A survey of *Recent Historical Activities in the South and Trans-Mississippi Southwest* is the work of Donald L. McMurry. Brief notes concerning the first council of the American city of Baton Rouge, and the state of af-

fairs at Post St. Vincent in the summer of 1786 are contributed by Archibald Henderson.

In March there appeared the first number of a new periodical known as *The Georgia Historical Quarterly*, published by the Georgia Historical Society at Savannah. The aims and purposes of the magazine are set forth in a brief introduction by Joseph B. Cumming. Among the articles in this number are: *The Georgia Historical Society*, by William Harden; *Telfair Academy of Arts*, by Alexander R. Lawton; *Basil Cowper's Remarkable Career in Georgia*, by William Harden; and *Wilkes County, its Place in Georgia History*, by Otis Ashmore. Of interest, also, are some newspaper extracts relating to *The Beginning of Cotton Cultivation in Georgia*.

A lengthy article on *Joseph Badger, the First Missionary to the Western Reserve*, by Byron R. Long, is given first place in the January number of the *Ohio Archaeological and Historical Quarterly*. Next comes a *Memoir of Antoine Laforge*, translated from the French by Laurence J. Kenny. Other contributions are: *The Coonskin Library*, by Sarah J. Cutler; *Flat Boating on the Ohio River*, by Isaac F. King; *Silver Mines of Ohio Indians*, by R. S. King; and *Birth Places of Three Ohio Presidents*, by Felix J. Koch. This number also contains the reports and proceedings of the thirty-first annual meeting of the Ohio State Archaeological and Historical Society, and the proceedings at the unveiling of the Cresap tablet in Logan Elm Park in October, 1916.

*The Southwestern Historical Quarterly* for January opens with the first installment of a study of the *Diplomatic Relations Between France and the Republic of Texas, 1836-1845*, by Herbert Rook Edwards. The two chapters here printed deal with the negotiations for recognition and for a commercial treaty, and loan negotiations. Thomas Maitland Marshall is the writer of a paper on *Commercial Aspects of the Texan Santa Fe Expedition*. Two brief biographical sketches of *Governor George Thomas Wood* are written by S. H. German and Louella Styles Vincent. Finally, there is another installment of *British Correspondence Concerning Texas*, edited by Ephraim Douglass Adams.

An address on *Abraham Lincoln*, by Edward F. Dunne, appears in the opening pages of the *Journal of the Illinois State Historical Society* for April, 1916. *A Modern Knight Errant — Edward Dickinson Baker*, by James H. Matheny; and *A Journey from Urbana, Illinois, to Cooke County, Texas, in the Spring of 1846*, by William R. Strong, are other contributions. Among the articles in the July number are the following: *Slavery or Involuntary Servitude in Illinois Prior to and after its Admission as a State*, by O. W. Aldrich; *Early Presbyterianism in East Central Illinois*, by Ira W. Allen; *The Two Michael Joneses*, by Frances H. Relf; *Mary Spears*, contributed by James B. Beekman; and *Old Trails of Hancock County*, by Herbert S. Salisbury.

*Constitution Making in Indiana: A Source Book of Constitutional Documents*, with historical introduction and critical notes by Charles Kettleborough, is a two-volume work published by the Indiana Historical Commission. The historical introduction occupies about two hundred and forty pages of the first volume. The documentary material which fills the remainder of the book is divided into four parts devoted, respectively, to the cession of the Northwest Territory and the organization and development of Territorial government, the organization and development of a constitutional government, the amendment of the Constitution of 1816, and the constitutional convention of 1850. Part five, occupying the whole of the second volume, contains material bearing on the amendment of the Constitution of 1851. The two volumes contain in all five hundred and thirty-nine documents.

Dorothy Hull is the author of an interesting article on *The Movement in Oregon for the Establishment of a Pacific Coast Republic*, which occupies the opening pages in *The Quarterly of the Oregon Historical Society* for September. While this movement had the support of only a small minority it forms an interesting chapter in the history of secessionist proposals in the United States. Another article of general interest is one by Leslie M. Scott on *Oregon's Nomination of Lincoln*. The remaining pages of the *Quarterly* are taken up with documentary material. First, there is a letter from *Doctor John McLoughlin to Sir George Simpson, March 20, 1844*,

with an introductory note by Katharine B. Judson; and afterwards there appear installments of the *Diary of Reverend Jason Lee*, and of the *Correspondence of the Reverend Ezra Fisher*.

*The American Historical Review* for January opens with the very readable presidential address on *The Freedom of History* delivered by George L. Burr at the Cincinnati meeting of the American Historical Association in December. *The West India Trade Before the American Revolution* is the subject discussed by Herbert C. Bell. An article on *Censorship and Literature under Napoleon I* is contributed by Victor Coffin. The last article is one by Carl Russell Fish dealing with *Social Relief in the Northwest during the Civil War*. The "Notes and Suggestions" include brief notes on the following topics: the Oxford Meeting of 1213, by Albert Beebe White; ciphers of the Revolutionary period, by Edmund C. Burnett; and the Earl of Carlisle and the Board of Trade, 1779, by Arthur H. Basye. Under the heading of "Documents" appear excerpts from the Senate debate on the Breckenridge Bill for the government of Louisiana in 1804, with introduction and notes by Everett S. Brown. This number of the *Review* also contains a list of doctoral dissertations in progress at the chief American universities in December, 1916.

The January number of *The Washington Historical Quarterly* is intended as a tribute to the pioneers of that State, and the articles which it contains were selected and written with that object in view. In the opening pages Edmond S. Meany presents a brief discussion of *The Pioneer Association of the State of Washington*. Next comes a survey of the *Pioneer and Historical Societies of the State of Washington*, prepared by Victor J. Farrar. Some interesting *Reminiscences of a Pioneer Woman* are contributed by Elizabeth Ann Coonc. The experiences of the *First Immigrants to Cross the Cascades* are described by David Longmire, who was a member of the party. Grace Raymond Hebard contributes a short article on *The First White Women in Wyoming*; and finally, there is a list of *The Pioneer Dead of 1916*, compiled by Edith G. Prosch. There is also a continuation of the *Diary of Colonel and Mrs. I. N. Ebey*, edited by Victor J. Farrar.



Volume one of the *Annual Report of the American Historical Association for the Year 1914* contains the following papers on subjects in American history: *Cabinet Meetings under President Polk*, by Henry Barrett Learned; *Tennessee and National Political Parties, 1850-1860*, by St. George L. Sioussat; *The Genesis of the Kansas-Nebraska Act*, by P. Orman Ray; *Asiatic Trade and the American Occupation of the Pacific Coast*, by Robert G. Cleland. Papers which appear in the proceedings of the eleventh annual conference of historical societies are as follows: *The Chicago Historical Society*, by Otto L. Schmidt; *Research in State History at State Universities*, by James A. Woodburn; and *Restrictions on the Use of Historical Materials*, by Lawrence J. Burpee. Two papers presented before the sixth conference of archivists are: *Legislation for Archives*, by Charles H. Rammelkamp; and *Principles of Classification for Archives*, by Ethel B. Virtue; while Herbert A. Kellar is the compiler of *A Preliminary Survey of the More Important Archives of the Territory and State of Minnesota*.

#### ACTIVITIES

At a meeting of the Chicago Historical Society on the evening of April 13th, Professor Olynthus B. Clark of Drake University delivered an address on *The Lincoln Poor White Legend*. A special exhibit of Lincoln relics was shown at this time.

The annual meeting of the Historical Society of Marshall County was held on March 20th. The following officers were elected: J. L. Carney, president; C. F. Schmidt, vice president; Miss Minnie Russell, secretary; Mrs. H. J. Howe, treasurer; and Mrs. May F. Weatherly, curator.

The annual meeting of the Mississippi Valley Historical Association will be held in Chicago on April 26th to 28th. Part of the session will be held in the Chicago Historical Society building and part in the Newberry Library.

The Jefferson County Historical Society held its regular quarterly meeting at the public library in Fairfield on March 21st. Professor P. C. Hildreth presented an address on the autobiogra-

phy of Black Hawk; Mr. W. G. Ross told of some incidents concerning the massacre of some Iowa Indians by Sacs and Foxes under the leadership of Black Hawk; and Dr. T. L. James discussed the insurrection in Cuba. The following officers were elected for the ensuing year: T. L. James, president; Ralph Lamson, vice president; Hiram Heaton, secretary; and C. W. Gage, treasurer.

The Linn County Historical Society, which was organized several years ago, has been inactive in recent years. Interest has lately been revived, however, and the annual meeting was held on March 20th. The opportunities of such an organization in Linn County are large, and it is to be hoped that the Society will go forward energetically and receive the support it deserves.

In January a historical society was organized at Lockridge in the eastern part of Jefferson County. It is understood that this society is not intended to conflict in any way with the county organization which has been so long established and has done such commendable work. It is a purely local society, with Lockridge and vicinity as its particular field. At the organization W. C. Rauscher was chosen president; William Bankhead, vice president; Thomas Doogan, secretary; and Gus Schillerstrom, treasurer. Monthly meetings were held in February and March, at which time interesting and valuable papers were read.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Professor Benj. F. Shambaugh, the Superintendent of the Society, was elected first vice president of the American Political Science Association at the annual meeting in December.

The permanent annual support of The State Historical Society of Iowa has been increased four thousand dollars by an act of the Thirty-seventh General Assembly. This increase will enable the Society to continue its work along the lines hitherto established, without curtailment on account of the great rise in the prices of supplies and of the materials used in printing and binding.

Mr. D. G. Edmundson of Des Moines, a member of the Society,

died in Los Angeles, California, on December 31, 1916, at the age of sixty-nine.

Dr. Daniel Sickler of Ogden, Iowa, a member of the Society, has recently made some important additions to his already large collection of Indian relics.

The following persons have recently been elected to membership in the Society: Mr. Edward A. Adams, Algona, Iowa; Mr. Harold K. Bowen, Fort Dodge, Iowa; Dr. D. C. Brockman, Ottumwa, Iowa; Mr. Robt. N. Carson, Iowa City, Iowa; Mr. Edward A. Lang, Waverly, Iowa; Mr. Ellis D. Robb, Waterloo, Iowa; Mr. John E. Williams, Waterloo, Iowa; Mr. A. L. Broxam, Maquoketa, Iowa; Miss Myrtle A. Dungan, Chariton, Iowa; Mr. Fred Durbin, Malvern, Iowa; Mr. G. B. Jennings, Shenandoah, Iowa; Mr. H. N. Lawrence, Magnolia, Iowa; Mr. E. A. McIlree, West Union, Iowa; Mr. Fred S. Risser, Chariton, Iowa; Mr. W. G. Ross, Fairfield, Iowa; Mr. John F. Webber, Ottumwa, Iowa; Mr. W. S. Cooper, Winterset, Iowa; and Mr. M. L. Gordon, Brooklyn, Iowa.

A Senate concurrent resolution of the Thirty-seventh General Assembly of Iowa, bearing the date of February 8th, provided for the compilation and publication of an *Iowa Manual of Legislative Procedure* under the direction of the Superintendent of The State Historical Society of Iowa. The manual compiled in accordance with this resolution is a book of two hundred and twenty-three pages, of convenient size for slipping into the coat pocket. Two hundred and fifty copies were bound in flexible leather and one thousand copies in paper covers. Over one-half of the book is taken up with a discussion of *Legislative Procedure and Practice in Iowa*, by O. K. Patton, which is an abridgment of his article which appeared in the volume on *Statute Law-making in Iowa*, recently published by the Society. Then come the rules of the Senate and House and the joint rules, compiled by Thomas Watters, Jr., Secretary of the Senate, and W. C. Ramsay, Chief Clerk of the House. An index of about twenty pages was prepared by Dan E. Clark.

## NOTES AND COMMENT

The sixteenth biennial session of the Iowa Pioneer Lawmakers' Association was held at Des Moines on March 14th and 15th.

The calendaring of the manuscripts in the possession of the University of Illinois has been begun under the direction of Dr. Charles H. Lincoln.

The Taylor County Bar Association is making efforts to secure portraits of the judges of the district court, past and present, in the district in which Taylor County is situated, to be hung in the library of the Association.

At the annual meeting of the Iowa Society of the Daughters of the American Revolution, held in Des Moines in March, it was announced that the coming summer would witness the completion of the marking of the old trail across Iowa from Keokuk to Council Bluffs, made by the Mormons on their western pilgrimage. Five large boulders, on which there will be bronze tablets, will be placed at various points along the route of the old trail.

James H. McConlogue, who was a very active and influential member of the Board of Control of State Institutions, died in Des Moines on February 26th. He was born in Philadelphia in 1856.

Judge A. B. Thornell of the district court of the fifteenth judicial district of Iowa, in the southwestern corner of the State, recently resigned from the position which he has held for a period of thirty years.

The recent finding of an object alleged to be a petrified human foot of large dimensions, in a coal mine at Lehigh, Iowa, calls to mind the famous Cardiff Giant fraud which gave Webster County some notoriety many years ago.

The Iowa branch of the United Press Association, which has

headquarters in Des Moines under the direction of Mr. Sam Freed, is rendering a valuable service in the cause of spreading a knowledge of Iowa history. In the news letter which it sends out each week to the newspapers supplied by it may be found a series of "Little Stories of Iowa". These stories are brief, but they deal in an interesting manner with some phase of the early history of this State, being concerned chiefly with events and movements which have a "human interest". The work thus being done can not be too highly commended.

#### HORACE EMERSON DEEMER

Justice Horace E. Deemer died at his home in Red Oak on February 26, 1917, after an illness of ten days. He was born at Bourbon, Indiana, on September 24, 1858; and when about eight years of age came to Cedar County, Iowa, with his parents. He entered the collegiate department of the State University of Iowa in 1873, but later transferred to the law department, from which he was graduated in 1879. After practicing law for about seven years, chiefly at Red Oak, he was elected judge of the Fifteenth Judicial District of Iowa in 1886, and continued to occupy that position until 1894. In the latter year he was appointed Justice of the Supreme Court, in which capacity he served with great distinction until the time of his death. He was Chief Justice in 1898, 1904, 1910, and 1915.

Not only was Justice Deemer a jurist of high attainments and broad vision, but his interests extended to many important subjects outside of the court room. He was a member of a large number of associations covering such fields as history, political science, jurisprudence, sociology, and charities and correction. He was a lecturer in the College of Law of the State University for several years and since 1904 was honorary professor of jurisprudence. As an author he made many contributions to legal thought and knowledge. But aside from his work on the bench, no doubt his most enduring and far-reaching service was that in promotion of the historical interests of the State. As a member of the Board of Trustees of the Historical Department of Iowa, he exercised a guiding influence in the establishment and development of that institution. Moreover, he was long a loyal member and valued adviser of The State Historical Society of Iowa.

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In the death of Justice Deemer the State of Iowa has lost an eminent member of its judiciary, a citizen of the highest type, and a man held in esteem and affection by a host of friends.

### CHARLES CLINTON NOURSE

Charles Clinton Nourse died at Sierra Madre, California, on December 31, 1916. He was born in Maryland in 1829, and received his education at Transylvania University at Lexington, Kentucky. Coming to Iowa in 1851, he entered upon the practice of law at Keosauqua, and one year later became prosecuting attorney of the county. He was chief clerk of the House of Representatives of the Fifth General Assembly and at the succeeding session was secretary of the Senate. As a delegate to the Republican State Convention in 1856 he helped to organize that party in Iowa, and in 1860 he was a delegate to the Chicago convention which nominated Lincoln. He was Attorney General of Iowa from 1861 to 1865, and at the end of that service was judge of the Fifth Judicial District for one year. His home was in Des Moines for over fifty years, and he was a leading member of the bar of that city and the State. His ability as a public speaker and his genius for organization made him for many years a prominent leader in the Republican party.

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## CONTRIBUTORS

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THOMAS TEAKLE, Chairman of the History Department, North High School, Des Moines, Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for April, 1916, p. 308.)

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**VOLUME FIFTEEN NUMBER THREE**

**VOL. XV—22**

1

## THE ENLISTMENT OF IOWA TROOPS DURING THE CIVIL WAR

It was Sunday, April 14, 1861, and the people of Charleston, South Carolina, were rejoicing over the first triumph of Confederate arms. On the afternoon of that day Major Robert Anderson, saluting his flag with fifty guns, marched out of Fort Sumter "with colors flying and drums beating". The magazine was surrounded by flames, no provisions but pork remained, and the garrison quarters were smoldering ruins. For thirty-four hours the little force of one hundred and twenty-eight officers, privates, musicians, and non-combatant laborers, inspired by their loyalty to the Union, had resisted the bombardment of more than a thousand Confederates. The people of Charleston in gala array thronged the wharves and the Battery to witness the opening scene of the great struggle which was to decide whether a nation "conceived in liberty and dedicated to the proposition that all men are created equal" could long endure.<sup>1</sup>

The dramatic episode enacted in Charleston Harbor reflected the state of the Union during the winter of 1860-1861. With barely enough provisions on December 26, 1860, to last four months, Major Anderson's command had clung to its post in Fort Sumter all winter. The other fortifications, together with the United States arsenal, were in the hands of the Confederates. Two faint-hearted attempts were made to relieve the fort, but both were unsuc-

<sup>1</sup> Rhodes's *History of the United States*, Vol. III, pp. 352, 355; *War of the Rebellion: Official Records*, Ser. I, Vol. I, p. 12.

cessful. Meanwhile seven thousand Confederate troops had been gathering in Charleston — many of them wealthy men of the purest American stock, who prized their liberties and were willing to enter upon a great civil war to sustain their political philosophy. While the Federal government was faltering, unwilling to face the future, more embarrassed than encouraged by the firm loyalty of men like Major Anderson, the people of the southern States were quietly preparing for the inevitable conflict. The arming of half-constructed southern forts, the transfer of 115,000 muskets and rifles to southern arsenals, and the sale of 31,610 percussion muskets by the United States War Department to private persons during 1860 all suggest well-made plans. The war began with the South ready and eager for the fray, determined and united: the North was surprised, disorganized, bewildered with conflicting opinions, and was to be aroused only by the clash of arms.<sup>2</sup>

#### UNPREPAREDNESS IN IOWA

It would be difficult to imagine any Commonwealth of the Union more unprepared for war than was Iowa when those tragic shots were fired on Fort Sumter. This State presented the "sorry spectacle of an unorganized militia — a whole people to whom military discipline and drill are almost total strangers! All this, owing to the inordinate propensity of our legislators to trifle with matters of the utmost moment to the public weal."<sup>3</sup>

Trifling, indeed, had been the attitude of the General Assembly toward military affairs during the half decade before the war. The House of Representatives of the Sixth

<sup>2</sup> Rhodes's *History of the United States*, Vol. III, pp. 352, 353, 355; *War of the Rebellion: Official Records*, Ser. I, Vol. I, pp. 2, 8, 9-11; *House Committee Reports*, 2nd Session, 36th Congress, Vol. II, No. 85, pp. 1-4.

<sup>3</sup> *Council Bluffs Nonpareil*, May 11, 1861.

General Assembly (1856-1857) was the scene of unwonted levity when Thomas Hardie of Dubuque insisted upon a report from the committee on military affairs, following an inquiry into the disposition of the State arms and the propriety of allowing troops intended for the invasion of other States and Territories of the United States to rendezvous and drill within Iowa. The committee was ordered to report on Saturday evening to the committee of the whole, the chairman to be clothed "in accordance with *ancient usage*, in the *armor* now in the state library". In the same spirit of unseemly frivolity, employing the opportunity for numerous puns and jocular thrusts at fellow members, the committee on military affairs made the following report which, it was asserted, had been looked for with great interest by "all the world" and "the rest of mankind":<sup>4</sup>

Your committee on Military Affairs have had the most profound sense of the important and solemn duties of their position. They have delayed their report until this late hour of the session, in order to fully mature the momentous considerations they have to present to your Honorable body. Your committee did not desire to "go off half-cocked," on the *grave* questions before them; and here permit the committee to remark that the report that your committee has been "half-cocked" the greater part of the time they have been in the discharge of their duties, is a libel too gross to notice. If the committee has been on a *train* occasionally, it has been with a heart-felt desire to test the best system of tactics only.

<sup>4</sup> The reference concerning arms and invading troops is probably to the fact that two cannons and two hundred Sharp's rifles, sabers, and cartridges, furnished by the Massachusetts-Kansas State Committee for the use of anti-slavery settlers in Kansas, were stored at Tabor, Iowa, in August, 1856. Furthermore, in the autumn of the same year a company of ten men, fully armed and drilling every day, crossed Iowa over Lane's Trail (the route of the underground railroad) to invade Kansas.—Sabin's *The Making of Iowa*, p. 255; *Kansas Historical Collections*, Vol. XIII, pp. 270-275; Gue's *History of Iowa*, Vol. I, p. 375.

The phrases "all the world" and "the rest of mankind" are probably quoted from Zachary Taylor's famous sentence, "We are at peace with the whole world and all the rest of mankind."—*Iowa City Republican*, February 3, 1875.

The committee have made the most thorough, practical investigation in their power, of the relative merits of "big guns, little guns and pop guns." In experimenting with "big guns," they have taken their specimens from the floor of this House, and report as the result of actual trial, that they will bear considerable loading, and never "hang fire." But the objections are that they are too prolonged in the report, and do little or no execution, rarely "hitting the mark."

In our experiments with "little guns," we have taken our specimens from the body that meets in the other end of this Capitol.—We give as the result, that said "guns" are generally "repeaters," and will "go-off" any possible number of times without *re-loading*.

They rarely hit any mark, but are found to "scatter" to such an extent that the execution is as apt to be upon friends as foes. As to "pop guns," your committee found plenty of specimens in both Houses. They find that this class of "guns" generally "explode" the first fire, and are, in every case, "too big for their breeches."—They recommend that the manufacture of this article be discontinued.

In reference to the whereabouts of the State arms, upon which point your committee was instructed to inquire, we report that for all we know to the contrary, they are in a state of safe preservation, somewhere; where the committee hopes they will be permitted to remain, except on Christmas, New Years, and the Fourth of July, unless required to protect the various educational funds of this State. These arms are represented to your committee to be of the latest and most improved patents, warranted to kill or cripple in no case whatever. But the committee, after as full an investigation and trial as they could possibly make, give their emphatic preference to arms of an old patent, said to have been taken out by, or out of, General Adam, by which that renowned warrior was himself subsequently conquered, and which, from his day to ours, have held mankind captive. We mean the arms of woman!

We therefore recommend the arms of the girls of Iowa, as the most affectionate weapons to protect the peace of the State, and promote its happiness, growth and posterity; and we suggest that all dissenters from this opinion be condemned to serve in this Legislature every succeeding session hereafter, at one dollar per day, after the first fifty days.

On the subject of the rendezvous and drilling of foreign troops on the virgin soil of our young and growing State, your committee are of the decided opinion that when in the course of human events it becomes necessary for the purpose of advancing the interests of a great people, that it is all right and proper, providing, always, that the troops to be drilled are of the right stripe, and have for their object the subjugation of "Border Ruffians," and the planting of the strong banner of freedom upon the soil of "Poor Bleeding Kansas."

Your committee can scarcely refrain from expressing their virtuous indignation that any of God's creatures, bearing the human form divine, could be found so lost to all sense of justice as to object to such a course of proceeding; and can only account for it from the fact that they are steeped in the mire of patriotic devotion to a country, having for its guidance a constitution which recognizes the southern part of our confederacy as having equal rights with all other sections, that such troops, composed of the valiant sons of the New England States, with hearts beating high with glorious expectations, did rendezvous and drill upon our soil during the past year, cannot and will not be denied. Nor will it be denied that said troops marched into Kansas, and then marched back again, satisfied with the season's campaign. "They came," they saw the elephant, but did not conquer.

Your committee, therefore, are of the opinion that under the surrounding circumstances,

That foreign troops may ever drill  
Upon our soil for luck:  
"Shriek for Freedom"; shriek at will,  
And show the world their pluck.

Regarding it as part of their duty to report an efficient system of organization for the militia of the state, the committee submit the following resolutions:

*Resolved*, That the fighting population of the State be enrolled as follows:

All persons under one year of age, as *infant-ry*.

All persons engaged in lobbying to this Legislature, as sappers and miners.

All persons disposed to "ride a high horse," as dragoons.

All persons who have expressed or conceived the idea that this

Legislature is not the most industrious, the most economical, the most orderly, grave and profound body, ever assembled in this House, shall constitute a "forlorn hope," their case being hopeless.

That his Excellency, the Governor, be commissioned as Protector of his people, and universal opener of water courses.

That the Trustees of the State University, the officers of the Des Moines River improvement, and the Superintendent of Public Instruction, be commissioned as commissaries and keepers of the military chest.

7th. That the member from Buncombe, be commissioned as leader of the Border Ruffian Division of the Army of Observation.

8th. That the member from Clayton, be commissioned as General-in-Chief of the German Allies, with instructions not to mistake his friends for his foes.

5. During the evening it shall not be in order for *Wooden-headed* members, or others, to refer to the subject of *private* correspondence on the opening up of the Missouri River.

*Resolved*, That this committee be now "discharged."

THOMAS M. BOWEN,

Chairman.<sup>5</sup>

At the beginning of the war in 1861 there was not a single unit of the regular army in Iowa: neither were there any forts or garrisons. Not even a military post was located in this State, while the nearest arsenal was in St. Louis.<sup>6</sup> The only arms that Iowa possessed were those that had been distributed by act of Congress among the several States in proportion to their representation in Congress. Most of this equipment issued previous to the war was loaned to the independent military companies, the captain of each company filing a bond in the office of the Secretary of State, while each member of the company bonded himself to the captain for the care of the arms individually received.

<sup>5</sup> *House Journal*, 1856-1857, pp. 183, 184, 429, 454-458.

<sup>6</sup> There had been some agitation in the Senate in 1858 to memorialize the War Department to establish military posts at Fort Dodge, Sioux City, and Council Bluffs, but nothing came of it.—*Senate Journal*, 1858, pp. 78, 103.



Between 1851 and July, 1861, Iowa received from the general government 3890 muskets, 290 rifles, 5 cannon, 66 sabers and swords, and 86 revolvers. Of these arms, 1890 muskets and 215 rifles had been received before May, 1861.<sup>7</sup>

In reply to an inquiry from the House of Representatives in 1858, Governor Ralph P. Lowe stated that he had no means of determining the number, description, location, or condition of the arms issued to this State. He was under the impression, however, that there was a quantity of military stores at Fort Dodge, deposited there in 1856 during the Indian troubles in northwestern Iowa. At the same time it appears that the State was buying pistols to equip troops for the protection of the Spirit Lake region, possibly because the arms belonging to Iowa had gone to Kansas "under Jim Lane's escort", or perchance had been "used up in opening the Missouri River".<sup>8</sup> A special committee appointed to inquire into the number of arms received from the National government and their whereabouts made no report.<sup>9</sup>

<sup>7</sup> *House Committee Reports*, 2nd Session, 36th Congress, Vol. II, No. 85, pp. 16-18, 22, 26; *Laws of Iowa*, 1856 (Extra Session), p. 89; *Report of the Adjutant-General of Iowa*, 1861, pp. 9, 10.

<sup>8</sup> When the Missouri River was closed in 1856 to free-State emigration to Kansas, James H. Lane opened a new route across Iowa (through Iowa City, Sigourney, Oskaloosa, Knoxville, Indianola, Osceola, Quincy, and Tabor) which in 1857 became the trail of the underground railroad from Kansas to Canada. Fully six hundred free-soil emigrants, under the leadership of Lane and the auspices of the Kansas Central Committee of Iowa, entered Kansas in August, 1856, many of them campaigning with Lane against border ruffians.

Although most of the arms and ammunition for the Kansas "war" were supplied by the National Kansas Committee, for which Dr. Jesse Bowen of Iowa City, afterward Adjutant-General of Iowa, was agent, there is a story to the effect that 1500 government muskets were obtained in Iowa City. The key had been left on Governor James W. Grimes's desk, where it was found, and borrowed to open the arsenal door.—*Kansas Historical Collections*, Vol. XIII, pp. 268-275; Gue's *History of Iowa*, Vol. I, p. 375.

<sup>9</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 201, 202; *Tri-Weekly Iowa State Journal* (Des Moines), March 5, 1858; *House Journal*, 1858, p. 502.

The Constitution of 1857 defined the State militia in precisely the same words as were used in the Constitution of 1846. All able-bodied white male citizens, between the ages of eighteen and forty-five, constituted the militia of Iowa, which was to be armed, equipped, and trained as the General Assembly might provide by law. No person conscientiously opposed to bearing arms could be compelled to do military service in time of peace, provided he paid an equivalent for such exemption in the same manner as other citizens. All commissioned officers of the militia were to be elected by the persons liable to perform military duty and were commissioned by the Governor.<sup>10</sup>

There was some debate in the constitutional convention of 1857 on the question of including negroes in the militia. Alpheus Scott contended that the negroes should be given political powers and privileges, and therefore should serve in the front ranks of the militia in defense of their country. Rufus L. B. Clarke objected because, as a matter of fact, the negroes did not have political rights and consequently should not be required to serve in the militia. It would not be just to deprive them of all rights and privileges and then ask that they defend a country in which they were regarded as aliens. So the colored population of Iowa did not become part of the militia of the State until the Constitution was amended in 1868 in accordance with the Fourteenth Amendment of the Federal Constitution.<sup>11</sup>

An effort was made at the same time to change the age at which one became a member of the militia from eighteen to twenty-one, on the ground that it was unjust to compel a person to perform the military duty of a man when he was not recognized as a man politically. Male citizens under twenty-one might be given the opportunity of serving in a

<sup>10</sup> *Constitution of Iowa, 1857, Art. VI.*

<sup>11</sup> *Debates of the Constitutional Convention, 1857, Vol. I, pp. 641, 642.*

military capacity, it was said (probably in independent volunteer companies), but they should not be compelled to do so. The age of eighteen was retained, however, because such was the custom in all other States of the Union, because "innovations in military tactics are always looked upon with distrust", and because the country needed the services of the young men.<sup>12</sup>

Following the adoption of the new Constitution there was considerable agitation for the organization of the militia. A number of bills for that purpose were introduced in the Seventh General Assembly (1858), but none of them passed either house. At the same time the Governor was authorized to organize, arm, and equip one company of mounted volunteers, thirty to one hundred strong, to defend the northwestern border of Iowa and to be subject to call at any time. Arms and equipment were to be loaned by the State. Horses and subsistence were to be furnished by the men. Furthermore, it was made the duty of the Governor to demand and receive indemnity from the Federal government for the expense incurred by Iowa in carrying out the provisions of the act.<sup>13</sup>

Although Governor Ralph P. Lowe pointed out the advisability of enacting a militia law in 1860, no action was taken. The Senate committee on military affairs was "unanimously opposed" to such a measure, but thought that some legislation might be necessary for the independent military companies of the State.

Thus when President Lincoln issued his call for seventy-five thousand volunteers to put down the rebellion, the pro-

<sup>12</sup> *Debates of the Constitutional Convention*, 1857, Vol. I, p. 641.

<sup>13</sup> *House Journal*, 1858, pp. 281, 337, 462, 520, 521, 557; *Senate Journal*, 1858, pp. 226, 371; *Laws of Iowa*, 1858, pp. 10-14. The Dubuque City Guards, an independent company, offered to go to the defense of the settlers in the northwest, but their services were not accepted.—Oldt's *History of Dubuque County, Iowa*, p. 253.

visions for organizing the military forces of Iowa were indeed meager. The Governor could call into service any portion of the unorganized militia whenever he deemed it expedient; but members of the militia could be called in no other manner than as volunteers, except in cases of insurrection or invasion, and then the Governor prescribed the number to be received from each county, as well as the amount of their compensation. All officers, except staff officers, were elected by the volunteers. Arms and supplies were furnished at State expense. The Governor was empowered to command the troops in person and make any further rules or regulations necessary to carry out the intent of the law.<sup>14</sup>

In January, 1861, Governor Samuel J. Kirkwood was advised to organize the militia; and in regard to the commissioning of officers he was entreated to "appoint *prompt* and *able* men who, tho' they fear God, have *no* fear of the devil, and NO FEAR OF TRAITORS, and who dare to be MEN, despite of party." Indeed, the people became more and more imbued with the war spirit as spring drew near. Independent military companies offered their services to the government and people everywhere were half consciously making ready for any emergency. It was reported that "merchants, and laboring-men are all busily engaged — working at their respective callings through the day, and drilling in the evening — preparing themselves to enjoy peace, or encounter war." By May, when State and Nation were awakening to the stupendous task of the immediate future and the people were substituting momentary enthusiasm for years of indifference, the very phrases of their speech reflected vividly the approach of war. A teamster was no longer occupied with such an ordinary task as feed-

<sup>14</sup> *Senate Journal*, 1860, p. 316; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 170; *Revision of 1860*, Secs. 1002-1012.

ing and harnessing a horse, but instead he "gives him a ration of forage, puts on his equipments, [and] orders him to fall in". The ministers, it was said, "rifle the spiritual armory of its contents and claim the right to wield 'the sword of the Lord and of Gideon,' while the choirs sing the 'Star Spangled Banner' ". The farmers, in place of plowing and sowing, "dig trenches and drill . . . while their wives have become staff officers and attend to the subsistence or commissary department."<sup>15</sup>

#### INDEPENDENT MILITARY COMPANIES

During the years prior to the Civil War when the General Assembly had been dominated by an attitude of apathy toward military preparedness, a martial spirit had nevertheless pervaded the minds of the young men of this State. Many highly creditable companies were formed on the military principle, having military officers, arms, uniforms, and practice in military drill, although their chief function was probably social in character. The Blues or the Guards or the Rifles fulfilled the purpose of local clubs: they gave balls, held exhibition drills, and on gala days appeared on parade in resplendent uniforms. When the war cloud arose above the horizon these semi-military companies were the first to offer themselves in the service of their country.

One of the oldest of the independent companies was the Dubuque City Guards. Organized in 1851, this company twice offered its services against the Indians in the northwest, and finally became practically defunct in 1861. M. M. Hayden, former captain of the City Guards, organized the Dubuque Light Artillery in 1860, which company was ultimately attached to the Ninth Iowa Volunteer Infantry.

<sup>15</sup> *Kirkwood Correspondence*, No. 329; *Council Bluffs Nonpareil*, May 4, 1861; *The Dubuque Herald*, May 8, 1861.

The remaining portion of the City Guards was probably incorporated into this battery.<sup>16</sup>

Perhaps the most famous independent company in Iowa was the Governor's Greys, also of Dubuque, named in honor of Governor Stephen Hempstead.<sup>17</sup> In a letter written on January 15, 1861, to Joseph Holt, Secretary of War, Captain F. J. Herron stated that the Greys had passed a resolution tendering their services to the President during the insurrection in the South. Other companies followed the example of the Governor's Greys, but sent resolutions to Governor Samuel J. Kirkwood.<sup>18</sup>

The Washington Guards and the Jackson Guards of Dubuque were organized in 1859. The Jackson Guards and the Governor's Greys became Companies H and I, respectively, in the First Iowa Volunteer Infantry, while the Washington Guards formed Company A of the Third Regiment. It appears that in 1860 the Dubuque City Guards, the Governor's Greys, the Washington Guards, and the Jackson Guards were organized into a battalion under the command of Major S. D. Brodtbeck, who had seen service in the Swedish army. Later the battalion was designated as the First Regiment of Iowa Militia. In April, 1861, it was under the command of Colonel J. F. Bates who became colonel of the First Iowa Infantry.<sup>19</sup>

From 1857 until the outbreak of the war the Burlington companies were known as the First Battalion of Iowa Vol-

<sup>16</sup> Oldt's *History of Dubuque County, Iowa*, pp. 243, 263, 268, 269; *Report of the Adjutant-General of Iowa*, 1861, p. 222.

<sup>17</sup> The Dubuque militia company, officially known as Company A of the First Iowa National Guard, is to this day called the Governor's Greys.—*The Telegraph-Herald* (Dubuque), June 20, 1916.

<sup>18</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 55, 56.

<sup>19</sup> Oldt's *History of Dubuque County, Iowa*, pp. 253, 254, 260; *Report of the Adjutant-General of Iowa*, 1861, pp. 19, 21, 53; *The Dubuque Herald*, January 16, May 29, 1861.

unteers, with Major J. G. Lauman in command. The company known as the Burlington Rifles, largely composed of Germans, was organized in 1857 under Captain C. L. Matthies. Governor Kirkwood accepted the services of the Rifles, offered on January 19, 1861, and they eventually became Company D of the First Iowa Volunteers. The Burlington Blues were organized and incorporated under the laws of Iowa in 1856. In compliance with the request of Adjutant General Jesse Bowen to put themselves on a war footing by filling vacancies in their ranks the Blues began recruiting in January and tendered the services of a full company to the Governor on April 23, 1861.<sup>20</sup> The Burlington Zouaves<sup>21</sup> had presented a complete company somewhat earlier, and were ordered into quarters on April 20, 1861, to become Company E of the First Iowa.<sup>22</sup>

There were four independent companies in Davenport at the time of the first call for volunteers — the Davenport City Artillery, the Sarsfield Guards, the Davenport City Guards, and the Davenport Rifles. Most of the members of these companies were Germans, many of whom had fought in European wars.<sup>23</sup>

Iowa City boasted of three companies in 1861 — the Iowa City Artillery, the Washington Guards, and the Iowa City Dragoons. In 1859 they had formed an Iowa City Battalion with Major Croucher in command. The Washington

<sup>20</sup> The Burlington Blues had voted on January 18, 1861, to stand by the government in case of war.— *Burlington Daily Hawk-Eye*, January 22, 1861.

<sup>21</sup> "Zouaves" was a name adopted by a number of companies of Iowa soldiers in emulation of the famous French Zouave soldiers who were noted for their dash and courage, as well as for their brilliant uniforms.

<sup>22</sup> *Burlington Daily Hawk-Eye*, January 22, 26, 31, April 24, 1861; Antrobus's *History of Des Moines County, Iowa*, Vol. I, pp. 189, 190; *Iowa Historical Record*, Vol. II, p. 374; *Report of the Adjutant-General of Iowa*, 1861, p. 14.

<sup>23</sup> *History of Scott County, Iowa*, p. 670; *The Washington Democrat*, April 23, 1861.

Guards became Company B of the First Iowa Regiment, and the Dragoons were admitted to the First Iowa Cavalry as Company F.<sup>24</sup>

Other independent companies which reorganized to become part of the Iowa volunteer infantry of the Civil War were the Mount Pleasant Grays (Company F, First Iowa Infantry) and the Washington Light Guards of Washington, Iowa (Company G, Second Iowa Infantry).

The Muscatine Light Guards, for years the pride of the city, failed to reorganize for the war and were disbanded by Governor Kirkwood. Benjamin Beach, one of the officers, had "no ambition to embark in such a war, but would prefer to see those who have been and still are so active in bringing about the present state of things lead the van." Still other independent military companies which may be mentioned were the Ottumwa Guards, the Columbus City Union Guards, the Council Bluffs Guards, and the Dyersville Blues.<sup>25</sup>

Early in January, 1861, able-bodied men were urged to enroll themselves in companies, elect officers, and offer their services to the government. Many took advantage of the independent companies already organized. By the middle of the month Governor Kirkwood began to receive letters and resolutions begging him to accept companies for the formation of regiments to enforce the laws of the country. Indeed, there was such a scramble in April to be among the

<sup>24</sup> Aurner's *Leading Events in Johnson County History*, Vol. I, pp. 505, 506. In January, 1861, the Dragoons offered to take the job of whipping South Carolina in case their expenses were paid and their liquor bills footed. They were reported to be six-footers and the best company in the northwest.—*Iowa City Republican*, January 23, 1861; *The Dubuque Herald*, January 30, 1861.

<sup>25</sup> *The Home Journal* (Mount Pleasant), April 27, 1861; *The Washington Democrat*, May 28, 1861; *Muscatine Weekly Journal*, January 18, February 1, 1861; *The Dubuque Herald*, March 6, 1861; Walton's *Pioneer Papers*, p. 238; *Burlington Daily Hawk-Eye*, January 19, 1861; *Council Bluffs Nonpareil*, May 4, 1861.



ten companies to compose the First Iowa Volunteer Infantry that the Governor experienced difficulty in selecting the most fit. At the same time the people were not unanimous in military zeal. A member of the Washington Guards objected to the passing of resolutions by his company expressing their willingness to go to war, because he believed that in the "present perilous condition of this Union, nothing certainly is of greater importance, than averting the warlike spirit, and such untimely announcements as the 'Guards' have seen fit to herald to the world, is making darker and darker the conciliatory steps taken by wise and true patriots." That was in January. When, in April, the call came for volunteers, Governor Kirkwood was convinced that nine-tenths of the people of Iowa were with the administration and would be so long as policies similar to those then announced were followed.<sup>26</sup>

#### THE CALLS FOR VOLUNTEERS

On April 16, 1861, Simon Cameron, Secretary of War, telegraphed these words to Samuel J. Kirkwood, Governor of Iowa: "Call made on you by to-night's mail for one regiment of militia for immediate service". The news of the fall of Fort Sumter had already flashed across the country and Governor Kirkwood had written to the War Department asking how many troops would be required from Iowa to suppress revolutionary "combinations and to cause the laws to be duly executed." Fifteen or twenty volunteer companies had already tendered their services. Ten companies, or an aggregate of 780 men,<sup>27</sup> to serve for three months, were asked of Iowa under President Lincoln's first

<sup>26</sup> *Burlington Daily Hawk-Eye*, January 12, 1861; *The Washington Democrat*, January 22, 1861; *War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 75.

<sup>27</sup> Authority was given later (May 10, 1861) to increase the quota to 970 men.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 185.

call for 75,000 State militia. The records show that 968 men were actually furnished from this State.<sup>28</sup>

No sooner had the dispatch calling for troops reached Governor Kirkwood than he set about the work of organizing a regiment of infantry to serve for three months. Each county was called upon to form companies of volunteers and have them ready to be mustered into the active military service of the United States "by the 20th of May next at the farthest."<sup>29</sup> If more companies were formed than could be accepted their services would be required in the event of another requisition on the State. "The Nation is in peril", proclaimed the Governor. "A fearful attempt is being made to overthrow the Constitution and dis sever the Union. The aid of every loyal citizen is invoked to sustain the General Government. For the honor of our State let the requirement of the President be cheerfully and promptly met." Keokuk was designated by the War Department as the place of rendezvous for Iowa. Later, upon Governor Kirkwood's suggestion, permission was given to change the place to Davenport in order to secure better railroad and telegraph accommodations; but the change was not made, and so the first three regiments were assembled at Keokuk.<sup>30</sup>

On April 29, 1861, Governor Kirkwood informed Secre-

<sup>28</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 468; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 67, 69, 74, 87; Phisterer's *Statistical Record*, p. 3.

The first call for troops was made by the authority of an act of Congress approved on March 3, 1803, and confirmed by the act of August 6, 1861.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 403, Vol. V, p. 606.

<sup>29</sup> As a matter of fact the First Regiment was assembled in uniform at Keokuk by May 8th.—*Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. I, p. 4.

<sup>30</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 468, 469; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 86, 118, 185, 220.

tary Cameron that one regiment was ready to be mustered in, and that another had been ordered into the service of the State to be turned over to the United States at any time when it should be needed, while a third regiment was anxiously waiting to be called into service. "I can raise 10,000 in this State in twenty days", wrote the Governor. A week later he asked: "How many more regiments will be required from Iowa and for how long? I am overwhelmed with applications."<sup>81</sup>

Toward the end of April, 1861, the enthusiasm for enlistment was at its height. Rallies were held and companies formed in an evening. Citizens of foreign birth were no less patriotic than native sons, as the following call issued in Iowa City will attest:

Having been requested by many of our fellow citizens to issue a call for a general rally of all citizens of this country who formerly served in European armies, we, the undersigned, call now on all these of our countrymen who fought the hirelings of tyrants, in the eventful struggle of 1848 and 1849, to come forward to the rescue of our adopted country, whose laws we have sworn to support by our oath of allegiance and form a company of devoted patriots, who know well their duty to God and their adopted country. To carry out this purpose we will, after being organized, offer our services to our country for work of defense and not for show or play. Our wives and children will be taken care of by the government for the defense of whose stars and stripes we are eager to meet freedom's foe once more. . . . Rally, ye sons of Germany, Bohemia, and France!

But in some localities, especially along the southern border, the war propaganda received no encouragement. There was a disposition in these localities to let those fight it out who had favored drastic steps or who would not compromise while there was yet time.<sup>82</sup>

<sup>81</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 127, 128, 162.

<sup>82</sup> *Aurner's Leading Events in Johnson County History*, Vol. I, pp. 509, 510; *The South-Tier Democrat* (Corydon), April 24, 1861.

The companies of the First Iowa Infantry were raised and tentatively accepted by the Governor long before they were ordered into quarters on April 24, 1861. But the companies organized in response to the Governor's call for volunteers were raised in various ways—sometimes at public rallies, sometimes by the efforts of an influential citizen or a military man in the community. Volunteers pledged themselves to be of proper age, physically fit, and ready to defend the country as occasion required, subject to such regulations as the government might enact.<sup>33</sup>

All the expenses of volunteer troops were paid by the State from the time they were ordered into quarters until they were mustered into the United States service. Captains were instructed to contract for subsistence at twenty-five or thirty cents a day for each man, and to provide quarters in vacant buildings or among the citizens until the company reached the place of rendezvous. Strict economy was urged. The problem of financing the preparation for war was solved in Iowa for the time being by generous loans from the branches of the State Bank. In May the General Assembly authorized the issuance of bonds to the amount of \$800,000, and the use of State funds for the payment of the expenses of enlistment.<sup>34</sup>

<sup>33</sup> *Burlington Daily Hawk-Eye*, April 17, 23, 1861; *Muscatine Weekly Journal*, April 19, 1861; *Roster of Iowa Soldiers*, Vol. I, p. 4.

Provision was made for the discharge of enlisted minors upon application of their parents or friends and after August 26, 1861, no more minors were to be mustered in without the consent of their parents. Then followed the order to discharge no volunteer on the ground of minority. The question was settled by an act of Congress approved on February 13, 1863, providing that thereafter no person under eighteen should be mustered and the oath of enlistment was conclusive as to age. Written consent of parents was necessary to enlist minors between eighteen and twenty-one.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 384, 454, 488, 889, Vol. II, p. 162.

<sup>34</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 118; Kirkwood's *Military Letter Book*, No. 1, pp. 11, 12; *The Home Journal* (Mount Pleasant), April 27, 1861; *Laws of Iowa*, 1861 (Extra Session), p. 16.

The First Iowa Volunteer Infantry, raised in compliance with the first call, was mustered into the Union service at Keokuk on May 14, 1861, by Lieutenant Alexander Chambers of the United States Army. Officers had been elected three days before. For a month the regiment remained "cooped up in Keokuk", drilling five hours a day, attending picnics, living in tents, and learning to cook for themselves. Then on June 13, 1861, orders came to join General Nathaniel B. Lyon in Missouri, and by five o'clock that afternoon the First Iowa was floating down the Mississippi to participate in the first great battle in the West at Wilson's Creek on August 10, 1861. Although the term of enlistment had expired the First Iowa Regiment fought with such bravery that its name became the watchword of victory for every Iowa regiment. Upon being mustered out, about six hundred of this heroic First Regiment reenlisted in other regiments, many of the men achieving high military distinction before the close of the war. Governor Kirkwood regarded the fame of the regiment too sacred to be risked in the hands of new recruits and refused to allow the First Iowa to be reorganized.<sup>35</sup>

The necessity for "immediate and adequate measures for the protection of the National Constitution and the preservation of the National Union by the suppression of the insurrectionary combinations" led President Lincoln to issue a proclamation on May 3, 1861, calling for an additional military force.<sup>36</sup> The personnel of the navy was to be sup-

<sup>35</sup> Ingersoll's *Iowa and the Rebellion*, pp. 20, 21; Byers's *Iowa in War Times*, pp. 70, 71. Early in July, nine of the ten companies of the First Iowa expressed their willingness to continue in service for three years or during the war under a new regimental organization after their three months enlistment had expired. They were gladly accepted by the War Department.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 322, 323, 328, 329.

<sup>36</sup> The capture of Washington seemed so imminent that the people universally approved of Lincoln's exercise of absolute powers and Congress did not hesitate to sanction in August everything the President had done to raise an army.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 403.

plemented by 18,000 additional seamen; the regular army was ordered to be increased by an aggregate of 22,714 officers and men; while 42,034 volunteers were called into actual service for a period of three years, unless sooner discharged.<sup>37</sup>

The active service of the three months men was chiefly connected with the brief campaign which terminated in the battle of Bull Run. It was a striking demonstration of the inefficiency of a volunteer army enlisted for short periods. Congress convened in extra session on July 4, 1861, and lost no time in authorizing the President, on July 22nd, 25th, and 31st, to accept any number of volunteers he might deem necessary, not exceeding 1,000,000, to repel invasion and suppress insurrection. It was directed that the troops so accepted should serve for a period of not more than three years nor less than six months. The volunteer army was to be organized and paid on the same plan as was the regular army.<sup>38</sup>

Under the call of May 3rd no quotas were assigned to the various States. Patriotism and an intensely warlike spirit swept over the North, resulting in a universal desire to serve the government. The call for volunteers was more than filled. The acts of Congress which authorized the raising of a million volunteers, including those under the call of May 3rd, were published in general orders and the response was so enthusiastic that no formal call was issued. Regiments were immediately offered in large numbers by

<sup>37</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 145, 146.

<sup>38</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 68, 312, 380-383. All of the loyal States furnished volunteers for three years under this call, and some enlisted men for shorter periods. New York raised over 30,000 two-year men, and Missouri recruited 2715 for six months. Ohio, Indiana, Minnesota, Missouri, Kentucky, and Nebraska Territory enlisted soldiers for one year, while by special permission New York, Indiana, and Illinois furnished 15,007 men for three months.—Phisterer's *Statistical Record*, p. 4.

the States, and requisitions were made upon Governors as circumstances seemed to demand. Special arrangements were made for the "independent acceptances" of troops raised by individuals — a policy which led to much confusion when military service ceased to be regarded as a privilege and had to be exacted as a duty. Although the apportionment of men to be raised by Iowa under the later calls of 1861 was 19,316, it appears that 21,987 were actually furnished.<sup>39</sup>

Governor Kirkwood was so overwhelmed with the applications of companies to be mustered into service at the outbreak of the war that, as has been seen, he selected enough men to fill two new regiments. On May 16th the War Department ordered the organization of two regiments in Iowa and the Governor immediately sent the Second Regiment to the rendezvous at Keokuk on May 25th, and ordered the Third Regiment to be at the same place by June 3rd. The Second Iowa was mustered into United States service on May 27th and 28th, 1861, and the Third Regiment on June 8th and 10th.<sup>40</sup>

The Eighth General Assembly convened in extra session on May 15, 1861, for the purpose of providing war funds and enacting an effective military law. Resolutions were passed memorializing the President to authorize the formation of a brigade of Iowa and Nebraska regiments and to appoint or allow the election of a brigadier general.<sup>41</sup>

<sup>39</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. V, pp. 606, 607; Phisterer's *Statistical Record*, p. 4.

<sup>40</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 162, 170, 171, 203, 220; *Roster of Iowa Soldiers*, Vol. I, pp. 91, 283.

It was reported that besides the thirty companies included in the first three regiments more than one hundred other companies had volunteered their services. One captain offered \$2000 to be accepted immediately.—*Anamosa Eureka*, June 7, 1861.

<sup>41</sup> Samuel R. Curtis was generally approved for the command of the brigade.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 261.

Furthermore, in response to the petitions of several volunteer companies of cavalry, the General Assembly asked the President to muster them into service as a regiment, not to be counted in the quota of troops furnished from this State. In urging the War Department to accept the suggestion of the General Assembly, Governor Kirkwood hoped the Federal government would "not overlook the young but loyal and gallant State" of Iowa. "Our people are loyal, patriotic, and devoted", he wrote. "Their hearts are with you in the national struggle. Their prayers daily ascend for the President, the members of the Cabinet, and for glorious General Scott. Their desire is that the war be speedily terminated, and that 200,000 men in addition to what you have been called, if necessary, to extinguish the unnatural rebellion." John W. Rankin made a special trip to Washington to tender Colonel Fitz Henry Warren's regiment of cavalry to the government. The three infantry regiments, commanded by Colonels Grenville M. Dodge, William H. Worthington, and John A. McDowell, were accepted by the War Department on June 19, 1861. Two of these infantry regiments and Warren's cavalry were ordered to be mustered in at Burlington, and Colonel Dodge's regiment, the Fourth Iowa Infantry, at Council Bluffs. Governor Kirkwood promised to have them in rendezvous about the fourth of July. The Fourth Iowa was mustered in on August 8, 1861; the Fifth on July 15th, 16th, and 17th; and the Sixth on July 17th and 18th.<sup>42</sup>

In the meantime Major Jacob G. Lauman had been busy raising an independent regiment. By June 19th it was reported that he had offers of enough companies for three regiments. But when the Governor selected the three regi-

<sup>42</sup> *Laws of Iowa*, 1861 (Extra Session), p. 36; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 261, 279, 286; Byers's *Iowa in War Times*, pp. 486, 488, 490.



ments authorized by the General Assembly, Major Lauman's regiment was not one of the number. Secretary Cameron, however, readily accepted another regiment from Iowa, under the command of Major Lauman, about the last of June, and it became the Seventh Iowa Infantry, completing muster on August 2, 1861. Moreover, the Secretary sanctioned most heartily the desire of Governor Kirkwood that in the future troops from Iowa should be called into United States service by regular requisition upon the Governor, being satisfied that such a policy would save much complication and unpleasant feeling.<sup>43</sup>

On July 23, 1861, Governor Kirkwood received information that two batteries of artillery had been accepted with the understanding that they were not to be attached to any particular regiments, and that the War Department would accept four more regiments of infantry from Iowa if they could be ready for marching orders in three weeks. The following day the notice came that an additional regiment of cavalry would be accepted, the colonel to be appointed by the authorities in Washington. It appears that the acceptance of these new troops was due to influence brought to bear by men who had raised independent regiments, as well as by the termination of the enlistments of the three months troops under the first call. On the day after the battle of Bull Run was fought William Vandever, then a member of Congress from Iowa, went to Secretary Cameron and offered a regiment of volunteers, to be recruited and organized by himself. The Secretary of War agreed to the proposal and Mr. Vandever set out for Iowa. Inasmuch as Governor Kirkwood refused to recognize any independent regiments raised by individuals, their acceptance

<sup>43</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 296, 311, 325, 790; Byers's *Iowa in War Times*, p. 493; *Burlington Daily Hawk-Eye*, June 19, 1861.

by the War Department amounted to formal requisition by the United States. Two other infantry regiments were accepted, it was claimed, in order that John C. Bennett and H. B. Hoffman, friends of Assistant Postmaster General John A. Kasson and District Attorney W. H. F. Gurley, could be made colonels.<sup>44</sup>

Governor Kirkwood issued a proclamation on July 30, 1861, calling upon the people to raise the four new regiments of infantry and one of cavalry as promptly as possible. It was reported that Colonel Bennett's regiment from Polk County was ready, but that the regiments raised by Vandever and Hoffman were still unorganized. Many of the companies in process of organization under the State laws were nearly complete, but they were too small for Federal service, so that unusual efforts were required to fill them to war strength by the allotted time. The Eighth Iowa Infantry (H. B. Hoffman's regiment) was mustered in at Davenport under Colonel Frederick Steele about the first of September; Vandever's regiment formed the Ninth Iowa Infantry and completed muster at Dubuque on September 24, 1861; the Tenth Iowa, raised by J. C. Bennett, was mustered in at Iowa City under Colonel Nicholas Perczel with Bennett as major on September 6th and 7th; and the Second Cavalry was mustered into United States service at Davenport on August 25, 1861, with Washington L. Elliott, a captain of the Third United States Cavalry, commissioned as colonel.<sup>45</sup>

Governor Kirkwood believed in the policy of raising as large a number of troops as possible, especially when it

<sup>44</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 343, 344, 346, 347, 350, 353, 364; Ingersoll's *Iowa and the Rebellion*, p. 146.

<sup>45</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 482, 483; *Roster of Iowa Soldiers*, Vol. I, p. 1061, Vol. II, pp. 3, 145; *War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 498; Pierce's *History of the Second Iowa Cavalry*, p. 9.

seemed that the Confederates outnumbered the Union forces at almost every point in the field. So all through the autumn and winter of 1861 and 1862, he kept on recruiting for new regiments. On September 10, 1861, he issued the following stirring appeal to the citizens of the State:

More soldiers are required for the War. I therefore appeal to your patriotism to complete, at once the quota demanded of our State. Six regiments of infantry and two of cavalry, composed of your friends and your neighbors, are now in the field. Three more regiments of infantry, and one of cavalry, composed of the same precious materials, are now in camp, nearly organized, and eager to join their brothers in arms, who have preceded them, and still four more regiments are required. Will you permit these patriots who have gone forth, animated with the spirit of their cause, to remain unsupported, and to fight alone the battles which are imminent? Remember they will not fight for themselves alone. It is your cause, as well as theirs, in which they are engaged. It is the cause of government, of home, of country, of freedom, of humanity, of God himself. It is in this righteous cause that I now call upon the manhood and patriotism of the State for a cordial and hearty response. The gallant achievements of our noble Iowa first, have bestowed upon our State an unperishable renown. Wherever fortitude is appreciated, and valor recognized, as the attributes of a brave and great hearted people, the Iowa volunteer is now greeted with pride and applause.

Shall it be said that you were unworthy the great deeds which were done in your behalf by that regiment of heroes, that you were laggards in the great work which they so well began. Shall the fair fame of the State, which they have raised to the highest point of greatness, lose its luster through your backwardness to the call of your country, made in the holiest cause which ever engaged the efforts of a people? With you rests the responsibility. Men alone are wanted.<sup>46</sup>

<sup>46</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 555; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 485, 486.

On October 2nd Governor Kirkwood wrote to Secretary Cameron that he was organizing the Eleventh and Twelfth Iowa Infantry and the Fourth Regiment of cavalry, which would be commanded by Colonel Asbury B. Porter. Furthermore, in compliance with a request from General John C. Fremont, the Third Iowa Cavalry under Colonel Cyrus Bussey had been mustered in and was already on duty in Missouri. Recruiting for the Thirteenth and Fourteenth Infantry, furnished also at the request of General Fremont for garrison duty in Fort Randall and Fort Leavenworth, would commence as soon as the other infantry regiments were full. The Secretary of War replied that he was willing to receive all the troops Iowa could furnish for active duty and cordially sanctioned Kirkwood's activities. In addition to these troops, the Governor was given permission to raise a company of cavalry for the defense of the northwestern frontier of Iowa against the Indians.<sup>47</sup>

Cavalry regiments were much easier to raise than infantry, and permission was granted to substitute a cavalry regiment (Colonel Porter's) for one of the infantry regiments. But inasmuch as all of the infantry regiments were in the process of formation, it seemed best to continue recruiting for both the infantry and the cavalry. The people of Iowa were particularly anxious that cavalry should be accepted in order that they might have an opportunity to sell the necessary horses — the only product they possessed that was in demand by the government. The Federal authorities were entirely willing to accept all the troops that could be raised.<sup>48</sup>

<sup>47</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 410, 554, 555, 566.

<sup>48</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 501, 512, 548, 549, 558, 573. By the end of October horses had not yet been purchased for the Second Cavalry. The farmers complained that while many States were "growing rich out of the war, we have been permitted to furnish a few hun-

As the magnitude of the rebellion was realized recruiting became more and more difficult. The Fifteenth, Sixteenth, and Seventeenth Regiments were made up of older men, many of them married. Enlistments were encouraged by special appeals to particular classes: the temperance men wanted a "cold-water" regiment; the Irish and Germans were organizing; and a regiment of lancers was in the process of formation at Burlington. But in spite of strenuous efforts these later regiments filled very slowly. As early as August 31, 1861, permission was given to muster men in squads.<sup>49</sup>

On October 27th Adjutant-General N. B. Baker reported that the Eleventh and Twelfth Regiments of infantry were ready for service.<sup>50</sup> The Thirteenth and Fourteenth Regiments were nearly full, while the lancers were gathering in Burlington.<sup>51</sup> A week later Governor Kirkwood reported the ranks of the Fifteenth Regiment at Keokuk to be substantially filled. Organization of the Sixteenth and Seventeenth, as well as Irish and German regiments, was under way. The Fourth Cavalry was nearly ready at Mount Pleasant. The following week (November 10, 1861), it was claimed that the Fifteenth Infantry was more than filled, and permission was asked to begin the recruiting of a new

dred horses at from ten to forty per cent less than the government paid for no better animals in the older States.'—*War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 602; *Iowa Agricultural Report*, 1861-1862, p. 8.

<sup>49</sup> *Roster of Iowa Soldiers*, Vol. II, pp. 1059, 1060; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 467, 474, 549, 573, 617. The excuse for organizing an Irish regiment was that they might have a chaplain of their own faith.—*Anamosa Eureka*, September 20, 1861.

<sup>50</sup> The Twelfth Infantry was not entirely mustered until November 25, 1861.—*Roster of Iowa Soldiers*, Vol. II, p. 407.

<sup>51</sup> Three companies of the Fourteenth Regiment went into rendezvous at Iowa City, instead of Davenport. They were the only troops of either the Thirteenth or Fourteenth Infantry to reach their proposed station at Fort Randall, the regiments being sent South instead.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, p. 602; *Roster of Iowa Soldiers*, Vol. II, p. 721.

regiment to absorb the detached companies. Furthermore, several "active, talented, energetic, and brave" men (S. A. Rice, V. Van Antwerp, John W. Rankin, and Alexander Chambers) desired to raise regiments which they might command.<sup>52</sup> On January 10, 1862, Adjutant-General Baker reported that the Fourth Cavalry was still at Mount Pleasant under marching orders for Fort Leavenworth, but without tents, arms, ammunition, and lacking a number of horses. The Fifteenth Infantry lacked one hundred men of being full, while the Sixteenth Regiment had only about three hundred men in camp. The German regiment consisted of about two companies, which were later combined with the Sixteenth Regiment. The muster of the Fifteenth Regiment was completed on February 22, 1862, that of the Sixteenth Regiment on March 12, 1862, and both were sent south on March 19th and 20th, respectively.<sup>53</sup>

The whole recruiting service was reorganized on December 3, 1861. After the units then organizing in the various States were completed, no more troops were to be raised except upon special requisition by the War Department. On January 1, 1862, general superintendents of recruiting were detailed to take charge of central depots in each State where volunteers would be concentrated, clothed, and instructed in the art of war. Experienced soldiers were de-

<sup>52</sup> John W. Rankin was permitted to raise a regiment, and was subsequently made colonel of the Seventeenth Infantry.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 657, 658.

<sup>53</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 602, 616, 617, 626, 627, 632, 786, 940, 954; *Roster of Iowa Soldiers*, Vol. II, pp. 883, 884, 1059, 1060.

After the battle of Shiloh the Eleventh, Thirteenth, Fifteenth, and Sixteenth Regiments were brigaded together under General M. M. Crocker, formerly lieutenant-colonel of the famous Second Iowa Infantry and colonel of the Thirteenth. These regiments remained together during the remainder of the war and were reputed to compose the oldest brigade in the Union army.—Byers's *Iowa in War Times*, p. 503.

tailed as drill masters. Recruiting parties composed of two commissioned officers and four non-commissioned officers or privates from each regiment, toured the country, enlisting volunteers, and sending them in squads to the general rendezvous. Recruiting in Iowa during the winter of 1862 was devoted almost entirely to the Sixteenth and Seventeenth Infantry. The first companies of the Seventeenth Regiment were ordered into quarters the latter part of January, and the regiment was completely mustered by April 16, 1862. On April 3, 1862, the War Department, voicing the popular opinion that the war would soon be over, issued an order that volunteer recruiting should be discontinued in every State. The recruiting superintendents were to close their offices and join their regiments without delay. On May 24th, however, the President asked for another regiment of infantry and Adjutant-General Baker issued a call for the Eighteenth Iowa to be raised in sixty days. This regiment went into camp at Clinton and was mustered into the United States service on the 5th, 6th, and 7th of August. It was raised within the period of two months as promised, in spite of the fact that it was the harvest season. In addition to the eighteen infantry regiments, Iowa sent to the war in response to the calls of 1861 nearly five regiments of cavalry,<sup>54</sup> and three batteries of artillery — Dodge's Battery with the Fourth Infantry, Hayden's Dubuque Light Artillery with the Ninth Infantry, and Fletcher's First Battery.<sup>55</sup>

Governor Kirkwood early adopted the policy of distrib-

<sup>54</sup> The "Curtis Horse", organized by the authority of General Fremont in December, 1861, later became the Fifth Iowa Cavalry, although some of the companies were from Minnesota, Nebraska, and Missouri.—Ingersoll's *Iowa and the Rebellion*, pp. 441, 442.

<sup>55</sup> *Roster of Iowa Soldiers*, Vol. III, pp. 3, 117; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 722, 723, Vol. II, pp. 2, 206; *Report of the Adjutant-General of Iowa*, 1863, Vol. II, p. 752.

uting quotas for new regiments among the counties of the State according to their population. Thereafter companies offered from counties not previously represented in organized regiments were accepted in preference to companies from counties that had already contributed volunteers. A military census was ordered by the General Assembly in May, 1861, whereby it was found that there were 106,340 men in Iowa subject to military duty, ranging from none in Lyon and Osceola counties to 4455 in Lee County. The responsibility of contributing its share of men was placed upon each county. The same Assembly divided the militia into volunteer and reserve classes, the former to be organized into companies of from forty to one hundred men and officers, uniformed, assembled for drill from five to twenty days a year, armed and equipped. Special troops consisting of two regiments of infantry, one regiment of mounted riflemen, one battalion of artillery, and one squadron of cavalry, were ordered to be made up of volunteers accepted by the Governor. They were to be uniformed and equipped with the best arms procurable. All except the mounted riflemen were subject to Federal service if called.<sup>56</sup>

By virtue of the authority vested in him by the extra session of the General Assembly in 1861, Governor Kirkwood sent out a circular letter in October, 1861, suggesting that companies and regiments of armed militia be raised for the "better protection of the exposed borders of this State, to resist marauding parties of Indians and other hostile persons, to repel invasion, and to render prompt and efficient assistance to the United States". Two companies of mounted men were to be attached to each regiment. This force was organized strictly for the protection of homes

<sup>56</sup> Kirkwood's *Military Letter Book*, Vol. I, p. 244; *Report of the Adjutant-General of Iowa*, 1863, Vol. I, pp. xiv, xv; *Laws of Iowa*, 1861 (Extra Session), pp. 21-25, 27-30.



and property, and was never to be mustered into United States service. Every man was compelled to furnish his own clothing, horse, and equipment. Inasmuch as muskets and long-range rifles were not available, all the privately owned shot-guns and hunting rifles were reported for use if needed — effective weapons in the hands of brave men.<sup>57</sup>

The unfavorable turn of the fortunes of war in the spring of 1862 and the subsequent depletion of the Union armies rendered a new call for volunteers absolutely necessary. The recruiting service which was closed on April 3, 1862, was resumed on June 6th. Three weeks later the Governors of most of the loyal States requested the President to call for enough volunteers to fill up the military organizations in the field and increase the size of the army to such an extent as might be necessary to crush the rebellion. At first the President thought 150,000 men would be a sufficient force, but on July 1, 1862, he decided upon 300,000 for three years service. The call was issued the following day. Above all else President Lincoln urged the importance of raising troops immediately.<sup>58</sup>

Efforts were made to fill vacancies in the old regiments already in the field, but without success. Early in August it was perceived that the call of July 2nd would be answered only by the formation of new regiments, partly because the Governors did not realize the needs of the service and partly because recruits were won largely by individuals who were stimulated by the hope of commissions in the new units. In view of this situation President Lincoln ordered a draft of 300,000 militia, to be called immediately into Federal service for a period of nine months unless sooner

<sup>57</sup> *Laws of Iowa*, 1861 (Extra Session), pp. 27-30; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 561, 562.

<sup>58</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 180, 183, 187, 188, 201, Vol. V, p. 608.

discharged. Furthermore, if any State had not furnished its quota under the call of July 2nd by August 15th the deficiency would be made up by draft. This was the first recognition of the principle that the security of the government depended upon the military service which every citizen owed to his country. The draft failed in 1862 because there was no means of equitably apportioning quotas: it yielded less than 87,000 men.<sup>59</sup>

The quotas of troops required from Iowa in 1862 were 10,570 volunteers under the call of July 2nd, to serve for three years in either old or new regiments, and 10,570 militia to be drafted for nine months to fill old regiments. The War Department, however, accepted 24,438 volunteers for three years service, and then insisted that the ranks of the old Iowa regiments be filled in addition, an order which required 8005 more men. Iowa refused to accept any volunteers for less than three years service, a policy which would have saved endless trouble if it had been adopted by all the other States.<sup>60</sup>

"I now assure you", wrote Governor Kirkwood to Abraham Lincoln on July 8, 1862, "that the State of Iowa will be found in the future as in the past prompt and ready to do her duty to the country in this time of sore trial. Our harvest is just upon us and we have scarcely men enough to save our crops, but if need be our women can help." Kirkwood's appeal for volunteers issued on the following day breathed the same loyal devotion. "The time has come when men must make, as many have already made, sacrifices of ease, comfort and business for the cause of the

<sup>59</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, p. 291, Vol. V, pp. 609, 610.

<sup>60</sup> Phisterer's *Statistical Record*, p. 5; *Report of the Adjutant-General of Iowa*, 1863, Vol. II, p. 755; *Iowa City Republican*, December 24, 1862.

country." Five regiments were all that were called for immediately.<sup>61</sup>

Volunteering progressed slowly during July, 1862. The farmers were busy with the harvest, the war was much more serious than had been anticipated, and the first ebullition of military enthusiasm had subsided. Furthermore, disloyal sentiment was rampant in some parts of the State. In Henry County a recruiting officer was attacked and threatened with being hanged if he did not leave the neighborhood. A secret organization known as the Knights of the Golden Circle was formed partly for the explicit purpose of discouraging enlistments. It was an organization composed of southern sympathizers, reapers of war profits, and slackers.<sup>62</sup>

But when the Federal government threatened to draft men in August the situation assumed a different aspect. To be drafted was regarded as the height of disgrace and consequently recruiting received a great stimulus. As Adjutant-General N. B. Baker remarked, "Recruiting is going on in this State magnificently. I like a draft." On August 20th there were a hundred companies above the five regiments called for in July. "Our whole State appears to be volunteering", wrote Governor Kirkwood. He thought he could have eighteen or twenty regiments ready in a week if he had blankets and quarters for them. Some counties averaged a company a week: companies grew into regiments, and regiments into brigades. Only women, old men, and boys remained at home in some communities. It was

<sup>61</sup> Kirkwood's *Military Letter Book*, No. 2, p. 325; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 497; *War of the Rebellion: Official Records*, Ser. III, Vol. II, p. 208. It was asserted that a speech made by Kirkwood at the depot in De Witt was the cause of raising three companies in that vicinity.—*Kirkwood Correspondence*, No. 566.

<sup>62</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, p. 265; Byers's *Iowa in War Times*, p. 179.

reported that only two men between the ages of eighteen and forty-five were left in one township in Des Moines County.<sup>63</sup>

In July, 1862, the recruiting service was revised to the extent that recruiting details from each regiment were thereafter to consist of only two commissioned officers and one non-commissioned officer or private. One commissioned officer of the detail was to remain constantly at the general recruiting depot to receive new volunteers. Specific regulations for recruiting were again published on December 2, 1862. The service was henceforth to be conducted by the Adjutant-General. Recruiting parties were to consist of one lieutenant, one non-commissioned officer, two privates, a drummer, and a fifer. Success in obtaining recruits was said to depend much upon the activity and personal attention of the officers. They were instructed to allow no man to be inveigled into the service, but to explain all the conditions to him before he signed the enlistment papers. Minors were to be treated with great candor. Notices might be run in newspapers, or five dollars a month might be expended in procuring posters directing attention to the rendezvous. A premium of two dollars was paid for each recruit accepted.<sup>64</sup>

As in 1861, regiments were formed with the idea of appealing to particular classes. There was a movement for the organization of an Irish regiment, naturalization after service of one year being the chief inducement offered. Colonel E. C. Byam raised a "temperance regiment" which became the Twenty-fourth Iowa Infantry. But perhaps the most famous of all was the "Governor's Grey-Beards",

<sup>63</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 339, 416, 417; *Burlington Daily Hawk-Eye*, August 18, 20, 23, 1862.

<sup>64</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 250, 914, 915, 917.

a regiment of "active and vigorous" men forty-five years of age, recruited for garrison duty. This was the Thirty-seventh Iowa Infantry. There was some agitation also in the summer of 1862 for the enlistment of negroes, but nothing was done along this line in Iowa until a year later. The opinion was expressed that a hundred and fifty negroes could be used in every regiment as teamsters, wood choppers, and for police duty. "*There are enough soldiers on extra duty in the army to take Richmond or any other rebel city if they were in the ranks instead of doing negro work*", wrote one Iowa colonel. Governor Kirkwood, however, favored the enlistment of negroes, and declared that he would not "have any regrets if it is found that a part of the dead are *niggers* and that *all* are not white men" at the end of the war.<sup>65</sup>

Governor Kirkwood realized when the call for troops was made on July 2nd that the first duty was to fill the ranks of the regiments already in the field. Recruiting officers from old regiments were sent to the localities where the companies had been raised in 1861, because it was assumed that men would enlist more readily if assured that they would be among friends and neighbors. But the appeal to join the old and tried regiments was less attractive than the chance of becoming officers in new regiments. And so, as volunteers were at liberty to choose, the result was the formation of twenty-two new regiments and the enlistment of only about 1000 men for the old regiments. Indeed, two days before the draft order of August 4th was issued, Governor Kirkwood wrote that he was satisfied that the old regiments could be filled only by draft: the volunteer sys-

<sup>65</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 325, 352, 362; *Anamosa Eureka*, August 15, September 5, 1862; *Roster of Iowa Soldiers*, Vol. III, p. 795; Byers's *Iowa in War Times*, p. 558; Kirkwood's *Military Letter Book*, No. 2, pp. 485, 486.

tem appeared to be a flat failure as long as there was a choice of service.<sup>66</sup>

In October the Governor became even more thoroughly convinced that it was impossible to recruit for the old regiments while new ones were being formed. He therefore refused recruiting commissions to several individuals who wished to raise troops, and made it very clear to the War Department that if any more independent regiments were accepted by the authorities at Washington he would cease his efforts.<sup>67</sup> Furthermore, he protested vigorously against the practice of enlisting men from volunteer regiments for regular service and refused to fill any vacancies so created. Finally, as a last resort to save Iowa from the draft, the Governor distributed quotas to fill up the old regiments among the counties in proportion to their population and the number of volunteers previously furnished. Sufficient numbers of volunteers had to be supplied by January 1, 1863, or the draft would be instituted if the Secretary of War so ordered. By January 31, 1863, Iowa had furnished only 1229 men for the old regiments, but the draft had not been ordered.<sup>68</sup>

In response to the calls for troops on July 2 and August 4, 1862, Iowa furnished twenty-two regiments of infantry — the Nineteenth to Fortieth Regiments, inclusive. Three other regiments were authorized, but were never completed. The three companies of the old Fourteenth

<sup>66</sup> Kirkwood's *Military Letter Book*, No. 4, pp. 75-77; *War of the Rebellion: Official Records*, Ser. III, Vol. II, p. 291; *Iowa City Republican*, December 24, 1862.

<sup>67</sup> The Secretary of War, Edwin M. Stanton, had authorized three infantry and two cavalry regiments from Iowa — the Forty-first, Forty-second, and Forty-third Infantry and the Sixth and Seventh Cavalry.— *Iowa City Republican*, December 24, 1862.

<sup>68</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 843, 844, 845, Vol. III, p. 36; Kirkwood's *Military Letter Book*, No. 4, pp. 75-77.

Regiment, detailed to Fort Randall, were known as the Forty-first Battalion and were intended as the nucleus of a full regiment of the same number, but they were ultimately transferred to the Seventh Iowa Cavalry. The Forty-second and Forty-third Regiments were authorized by special order of the War Department and recruiting began, but the regimental organization was not completed. It was in deference to the efforts of the men commissioned to recruit these regiments that the later regiments of one hundred days men in 1864 began numbering with the Forty-fourth. In addition to the infantry, two cavalry regiments, the Sixth and Seventh, were organized by special permission of the War Department. The infantry regiments were mustered in between August 23 (Nineteenth Iowa) and December 15, 1862 (Thirty-seventh, "Grey-Beard" Regiment); and the Sixth and Seventh Cavalry completed their organization on March 5, 1863, and July 25, 1863, respectively. The Nineteenth, Thirtieth, and Thirty-sixth Regiments rendezvoused in Camp Lincoln at Keokuk; the Twentieth and Twenty-sixth in Camp Kirkwood at Clinton; the Twenty-first, Twenty-seventh, Thirty-second, and Thirty-eighth in Camp Franklin at Dubuque; the Twenty-second, Twenty-eighth, and Fortieth in Camp Pope at Iowa City; the Twenty-third, and part of the Thirty-ninth in Camp Burnside at Des Moines; the Twenty-fourth, Thirty-fifth, and Thirty-seventh in Camp Strong at Muscatine; the Twenty-fifth in Camp McKean at Mount Pleasant; the Twenty-ninth in Camp Dodge at Council Bluffs; the Thirty-first in Camp Herron at Davenport; the Thirty-third in Camp Tuttle at Oskaloosa; and the Thirty-fourth in Camp Lauman at Burlington.<sup>69</sup>

<sup>69</sup>*Roster of Iowa Soldiers*, Vol. III, p. 225, Vol. IV, pp. 1115, 1253, Vol. V, pp. 741, 1159; Ingersoll's *Iowa and the Rebellion*, p. 669; *Report of the Adjutant-General of Iowa*, 1863, Vol. I, pp. xiii, xiv.

In August, 1862, news of the Sioux massacre at New Ulm, Minnesota, reached the settlers in northwestern Iowa. Meetings were held immediately and military companies were organized. On September 9, 1862, there was approved an act passed by the Ninth General Assembly, then in extra session, authorizing the organization of a force of not less than five hundred mounted men from the counties most convenient for the protection of the northwest. Five companies were organized by S. R. Ingham, and they, together with the previously organized Sioux City cavalry company, were stationed at various towns in the northwestern part of the State. The men were kept busy during the fall and winter of 1862-1863 building block-houses at Correctionville, Cherokee, Peterson, Estherville, and Chain Lakes. These volunteer State troops were known as the Northern Border Brigade, and numbered about two hundred and fifty men under the command of James A. Sawyers. The Northern Border Brigade was ordered to be mustered out of State service on January 18, 1864, and to be disbanded on September 26, 1868.<sup>70</sup>

A Southern Border Brigade was also organized in the autumn of 1862 for the purpose of protecting the people near the Missouri line. The Governor was instructed by the General Assembly on September 11, 1862, to muster a company of mounted volunteers in each of the counties constituting the southern tier in Iowa. This force of State troops was organized into four battalions with two companies in the first and second battalions and three in the third and fourth. Every day ten men were detailed from each company to police the border. The services rendered by the border brigade companies were of inestimable value

<sup>70</sup> *Laws of Iowa*, 1862 (Extra Session), pp. 1, 2; *Annals of Iowa* (Third Series), Vol. V, pp. 481, 482, 496, 500, 506; *Report of the Adjutant-General of Iowa*, 1863, Vol. II, pp. 672-680, 1865, p. 838.



not only in preventing raids from Missouri, but in protecting the property of loyal residents in the southern part of the State. These troops were raised and maintained entirely by the State. The Governor had given his oath to preserve peace in the State and had pledged himself to the Iowa soldiers in the camps and on the battle-fields of the South, fighting for liberty and country, that he would protect their wives and children and their firesides during their absence.<sup>71</sup>

The militia law of the State was also amended at this time so as to abolish the distinction between volunteer and reserve militia, making it the duty of the entire population subject to military duty to organize immediately into companies of infantry, cavalry, or artillery that would meet the regulations of the United States army. Whenever it seemed necessary companies were to be organized into battalions and regiments. By the end of the year 1863 eighty companies had reported to the Adjutant-General and eleven more were in the process of organization. In July, 1864, Adjutant-General Baker ordered every man of military age to join a company of militia and designated the number of companies for each county — a total of 1203 companies. Responsible individuals and committees were appointed to organize the companies. When the organized companies of a county were reported they were formed into battalions and regiments. By January 1, 1865, nine hundred and fourteen companies, seventeen regiments, and one battalion had been organized. Their chief function was to aid the provost-marshal.<sup>72</sup>

<sup>71</sup> *Laws of Iowa*, 1862 (Extra Session), pp. 14-16; *Report of the Adjutant-General of Iowa*, 1863, Vol. I, p. xv, Vol. II, pp. 681-704; *War of the Rebellion: Official Records*, Ser. III, Vol. IV, p. 638; *Iowa City Republican*, October 14, 1863.

<sup>72</sup> *Laws of Iowa*, 1862 (Extra Session), pp. 42, 43, 46; *Report of the Adjutant-General of Iowa*, 1864, pp. vii, viii, 719, 1865, pp. vii-xiii, 870, 875, 883, 892, 906, 907.

After the first day of May, 1863, in accordance with the conscription law passed by Congress on March 3, 1863, the enlistment of all volunteers, as well as the drafting of troops, was placed in the hands of the Provost-Marshal-General, James B. Fry, but all former rules and regulations of recruiting remained in force. The work of enrolling all persons subject to military duty began in May. On June 15th President Lincoln issued a proclamation calling for six-months volunteers to repulse the northward drive of the Confederate forces into Pennsylvania. No quotas were assigned under this call and only seven States responded — principally those threatened by the invasion. Governor Kirkwood promised to do what he could, but no troops were furnished from Iowa.<sup>73</sup>

Recruiting in this State during the summer and fall of 1863 resulted in the formation of the Eighth and Ninth Cavalry, the Fourth Iowa Light Artillery, and the First Iowa African Infantry. The formation of the Eighth Cavalry had been authorized in April and the regiment was finally mustered into Federal service on September 1st. At the urgent request of Governor Kirkwood the organization of the Ninth Iowa Cavalry was approved on September 7th, and the muster was completed on November 30, 1863. The place of rendezvous for both regiments was Camp Roberts near Davenport. The Fourth Artillery, numbering one hundred and fifty-two men rank and file, was mustered into United States service at Davenport on November 23, 1863. The Governor of Iowa, having been often beset by persons desiring to raise a regiment of negroes, applied to the War Department and received permission on July 27, 1863, to recruit as many colored companies as possible.<sup>74</sup>

<sup>73</sup> *War of the Rebellion: Official Records*, Ser. I, Vol. XXVII, Pt. 3, p. 164, Ser. III, Vol. III, pp. 179, 360, 361; Phisterer's *Statistical Record*, p. 5.

<sup>74</sup> Governor Kirkwood hesitated to ask for a colored regiment, because he feared that no sooner would a negro be enlisted than he would be claimed as a

Colonel William A. Pile was assigned the task of raising the First Iowa African Infantry and instructed to rendezvous at Keokuk. Six of the ten companies were recruited in Iowa out of a total negro population of probably less than 1500. The regiment was mustered on December 4, 1863.<sup>75</sup>

In addition to recruiting the new units organized in Iowa during 1863 the campaign to fill the depleted ranks of old regiments was continued. The War Department ordered that volunteers for three years would be accepted during a period of ninety days after June 25, 1863.<sup>76</sup> Special inducements to reënlist were offered to soldiers who had served nine months and whose terms of enlistment were about to expire—the force so recruited to be designated the Veteran Volunteers. Enlistments under this order were accredited to the respective States in the same manner as other enlistments. In an appeal for volunteers for the veteran regiments Governor Kirkwood explained that a recruit would have the satisfaction of belonging to a regiment (any he might choose), which had earned a reputation; he would serve under officers experienced in the needs of their men; and, by the time the term of service of the old

slave. As to the policy of enlisting men of African descent, however, Kirkwood felt that the war would in any event “give freedom to thousands of them who have been slaves and if they are willing to pay for their freedom by fighting for those who make them free I am entirely willing they should do so and thus save the lives of our own dear friends who have gone and who must yet go to the field.”—Kirkwood's *Military Letter Book*, No. 6, p. 239.

<sup>75</sup> *Roster of Iowa Soldiers*, Vol. IV, pp. 1507, 1643, Vol. V, pp. 1585, 1785; *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 563, 591, 711, 736, 873. The officers were to be commissioned by the President upon nomination by the Governor. The pay of officers was to be the same as that of other officers in the volunteer service, but the enlisted men received only ten dollars a month. No bounty was paid, but the State received credit against future drafts.—*War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 576, 591.

<sup>76</sup> In September the time was extended to December 1, 1863.—*Report of the Adjutant-General of Iowa*, 1864, p. 713.

members of the regiment expired, he would have become eligible for promotion.<sup>77</sup>

As soon as the enrollment of all men liable to military duty had been made the proportion of troops furnished by each district was determined, and an account of military service was opened by the United States government with each locality. Credit was given to each State for all troops previously enlisted and a charge was made for all men still due under previous quotas. Not only were numbers taken into consideration but the length of service as well — that is, one volunteer for three years service balanced three for one year. This was a point which Governor Kirkwood and Adjutant-General Baker insisted upon from the beginning, because every Iowa regiment, except the First, had entered the service for three years. Figured on this basis the records in the War Department on June 11, 1863, showed 13,897 men to the credit of Iowa in excess of all calls. The sum of the quotas assigned to Iowa during the first two years of the war amounted to 32,528 men on the three-year service basis, and 46,425 had actually been furnished.<sup>78</sup>

Enrollment proceeded more rapidly in some districts than in others; and so instead of calling a fixed number of men from each locality one-fifth of the enrolled population was drafted. No general proclamation was issued, because it was thought that there would be less opposition if the draft was made quietly. The number of men due from

<sup>77</sup> *Report of the Adjutant-General of Iowa, 1864*, pp. 704, 705; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 521.

<sup>78</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 193, 746, 787, Vol. V, pp. 616, 642. The quota assigned to Iowa by the War Department under the calls of 1861 was 19,316 men, inasmuch as 548,184 troops were raised instead of the 500,000 called. Adjutant-General Baker insisted that the quota should have been figured on the basis of 500,000 and that therefore Iowa's share should have been 17,617, or 1699 less than the Federal authorities announced. His contention, however, was not admitted.—*War of the Rebellion: Official Records*, Ser. III, Vol. IV, p. 464.

Iowa to meet the requirements of the draft of 1863 totaled 12,616, but excess credits for troops previously furnished not only cancelled the draft quota but left a credit of 1281.<sup>79</sup> On the seventeenth of October, however, the President, in view of the fact that the term of service of part of the volunteer forces would expire during the coming year, issued a proclamation calling for 300,000 volunteers to enlist in the regiments in the field for three years or until discharged. If any State failed to raise the quota assigned a draft would be levied on January 5, 1864, to supply the deficiency. Credit was given for all volunteers and deducted from the quotas of future drafts. Iowa's quota for this call was 8910 men, but provision was made that in case a draft was necessary the quota would be reduced to 7629 by subtracting 1281, the excess over all former calls.<sup>80</sup>

Provost-Marshal-General James B. Fry reported on January 30, 1864, that the disposition of the North to engage in the war appeared to be better than at any time since the first year of the struggle. States and counties were actively raising troops with the hope of conquering the Confederates before it would be necessary to submit to a general draft. The President was urged to order a draft of 500,000 men, to be commenced on March 10, 1864, in all localities which had not filled their quotas by March 1st. This call included the 300,000 volunteers asked for on October 17, 1863, and all the men raised by the draft of 1863. The order was issued by President Lincoln on February 1, 1864.<sup>81</sup>

<sup>79</sup> The draft of 1863 failed to produce the desired number of recruits. Out of 292,441 names drawn, 252,564 were examined and of these 164,394 were exempted. Of the 88,170 held for service 26,002 furnished substitutes, and 9880 personally enlisted, while 52,288 secured exemption by paying \$300 commutation.—*War of the Rebellion: Official Records*, Ser. III, Vol. V, p. 626.

<sup>80</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 865, 892, 904, Vol. V, pp. 624, 625.

<sup>81</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 57, 59.

When news of the new requisition of troops reached Adjutant-General Baker he telegraphed to the President: "There will be no draft in Iowa. You shall have our quota without it. We are coming, Father Abraham, with 500,000 more." Governor William M. Stone issued an appeal for volunteers to augment the thinned ranks of the Union forces, and to lessen the carnage and to curtail expenditures by hastening the dawn of peace. At all hazards there "must be *no draft in Iowa*", proclaimed the Governor. "The honored name our brave boys, through years of toil and danger, have won for the State, must not be tarnished by us, in the closing scenes of the war." The fratricidal conflict seemed to have spent its force—the "storm has spent its fury, but the clouds are not dispelled. The faithful sentinel upon the national watch-tower, has told us of the night, and let us heed his warning." The Governor pointed out that it would be "far better for any man to furnish two hundred dollars, in the form of bounty to others than to pay *three* hundred dollars for his own exemption." The fact that all troops raised under this call would be distributed among the old regiments was especially emphasized because the casualties of battle were always greater in new than in old regiments, and furthermore, the veteran soldier knew how to mitigate many of the hardships of war. Surely the young men of Iowa would not "desire the sublime history of this great drama to be completed with their names unwritten upon its pages."<sup>82</sup>

But there are always some men who, as they strive for personal aggrandizement, fail to realize their obligation to mankind. So it was in February, 1864. In the midst of winter, months in advance of the season when vegetation

<sup>82</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, p. 72; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 208-211.

would appear on the plains, large numbers of men qualified for military duty were planning to leave their comfortable homes and incur the privations of a journey across the barren plains of the West to seek gold in the Rocky Mountains. But the plain object of the westward heira was to avoid the impending draft. Governor Stone believed such men were abundantly capable of shouldering muskets, so he forbade "all citizens of Iowa removing beyond the limits of the State, before the 10th day of March next."<sup>83</sup>

The quota assigned to Iowa for these combined calls was 16,097, in lieu of all the previous calls after August 4, 1862. Under this arrangement all credits which had been consumed by the calls of 1863 were renewed and increased by the enlistments during the summer and fall of 1863. According to a corrected report of the War Department, 5906 men had enlisted from Iowa between May 26, 1863, and the first of January, 1864. During January and February, 1864, there were added 3490 more new volunteers, while by March 1st 4819 veterans had reënlisted. The volunteer account of the State of Iowa on March 1, 1864, stood: total quotas, 48,625; total men furnished, 60,640; credit due, 12,015. There was no draft in Iowa on March 10, 1864.<sup>84</sup>

But no sooner had the people of this State heaved a sigh of relief than a new draft of 200,000 men was ordered on March 14, 1864, principally to recruit the navy and provide an adequate reserve force. April 15, 1864, was the date designated as the limit of the time within which localities might fill their quotas by voluntary enlistment: the draft

<sup>83</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 211-213.

<sup>84</sup> *Report of the Adjutant-General of Iowa*, 1864, p. 759, 1865, pp. 1393, 1394. After credit began to be allowed, the regimental rolls of other States were carefully scanned to find men claiming residence elsewhere. In this way Iowa received credit for 992 men serving in Missouri regiments.—*War of the Rebellion: Official Records*, Ser. III, Vol. IV, p. 177.

was to begin as soon afterward as practicable. By April 15, 1864, the Adjutant-General's records showed the re-enlistment of 1710 veterans since the first of March, and by the end of April 3032 new volunteers had entered the ranks in two months, making a total credit of 16,757 to meet a quota of 6439. The necessity for a draft was once more removed: on May 1, 1864, Iowa had an excess of 10,318 over all calls.<sup>85</sup>

As the time for the summer campaign approached in 1864, loyal people all over the Nation seemed to turn with a firm and steadfast resolution to the business of ending the war. The determination to fight it out was especially noticeable on the part of the veteran soldiers. "The men who have battled for two years and more and conquered or held at bay the enemy at every point, have made up their minds to see the war through", wrote the editor of a newspaper. "Among them there is no flinching, no discouragement. Kings, feudal lords and slave holding aristocracies have kept their subjects and retainers in the field by force and fear; but our 600,000 come forward voluntarily and renew the oath which binds them to finish the job. Was ever a more sublime spectacle?"<sup>86</sup> The Governors of Ohio, Indiana, Illinois, Wisconsin, and Iowa petitioned the President to allow them to raise eighty-five regiments of infantry to serve for one hundred days in fortifications, guarding the border and military bases, or wherever their services were required, the object being to free every available veteran for active service in the summer campaign. Iowa's share was ten regiments. After consulting General U. S. Grant

<sup>85</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, p. 181; *Report of the Adjutant-General of Iowa*, 1864, p. 1394.

<sup>86</sup> During the winter of 1863-1864 over 136,000 men in the Union army re-enlisted for three years.—*War of the Rebellion: Official Records*, Ser. III, Vol. V, p. 649.



and Secretary Stanton, President Lincoln accepted the proposal and directed that it be carried into execution on April 23, 1864. The troops were to be ready within twenty days. No bounty was paid to or credit received for hundred-day men.<sup>87</sup>

On May 3rd Governor William M. Stone of Iowa telegraphed to the Secretary of War: "Iowa is all right. The 10,000 are coming rapidly. We intend to beat Illinois and Indiana. Hurry up arms and clothing." One regiment was to rendezvous at Keokuk, the others at Davenport. The following day Secretary Stanton telegraphed: "Orders for arms and clothing for your troops are issued. Thanks for your promptness." Governor Stone appealed to those "who heretofore have been unable to participate in the stirring scenes of this war" to rescue the country from the horrors of protracted war. Fresh laurels were to be won and more glory achieved for Iowa. Adjutant-General Baker issued a circular letter in which he stated that although "Iowa is far ahead of all requisitions made upon her for troops, she is ready to make further sacrifices in the holy cause in which the Government is engaged. She volunteers again in defense of the flag which has protected her citizens and her rights.

"Let Iowans promptly meet this call. Let the old men be active in the good cause, and let the young men teach their seniors that they can equal them. Let the old and young, men and women, wife and maiden, vie with each other in their exertions to send troops to the field to enable the veterans of Iowa and other States to mass their invincible cohorts on the columns of the enemy."<sup>88</sup>

<sup>87</sup> *Anamosa Eureka*, February 5, 1864; *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 237-239.

<sup>88</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 257, 260, 261; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 214, 215; *Report of the Adjutant-General of Iowa, 1865*, pp. 918, 919.

The chief difficulty in raising the hundred-days men was encountered in "copperhead" counties and townships, which were already behind on former quotas. Governor Stone was anxious that these unfriendly sub-districts should "come to time" and asked permission to institute the draft, but the United States authorities were compelled to refuse, because the hundred-days regiments had been accepted with the express provision that they should not be drafted. The Governor would not advise a draft of three-year men in these disloyal districts, because the State as a whole was ahead of its quota on all regular calls. It soon became evident that 10,000 troops could not be recruited from Iowa in twenty days, nor in forty.<sup>89</sup> At best only four regiments and one battalion could be raised — the Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Regiments, and the Forty-eighth Battalion. The Forty-fourth and Forty-seventh Iowa Infantry rendezvoused at Camp Kinsman near Davenport and were mustered in on June 1st and 4th, respectively. The Forty-fifth was sent into camp at Keokuk and mustered on May 25th. Camp McClellan near Davenport was designated as the rendezvous of the Forty-sixth Regiment, and there it was mustered into Federal service on June 10, 1864. The Forty-eighth Iowa Infantry Battalion was also mustered in at Davenport on July 13, 1864, and assigned to guard duty at the prison on Rock Island.<sup>90</sup>

Almost every age, nationality, and profession were represented in the companies of hundred-days men that were

<sup>89</sup> The time was extended to May 30th.— *Report of the Adjutant-General of Iowa*, 1865, p. 922.

<sup>90</sup> *Roster of Iowa Soldiers*, Vol. V, pp. 1203, 1287, 1373, 1457, 1541; *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 284, 287, 288.

formed.<sup>91</sup> The service they rendered helped to shorten the war none the less because of the brief period of their service. On October 1st President Lincoln issued a special executive order expressing his thanks for the effective service of the men who had enlisted for one hundred days. "On all occasions, and in every service to which they were assigned, their duty as patriotic volunteers was performed with alacrity and courage, for which they are entitled to and are hereby tendered the national thanks".<sup>92</sup>

Probably to relieve the hardships of conscription, Congress passed a law on July 4, 1864, providing that thereafter men should be drafted for a term of only one year. The President was allowed to call for any number of volunteers at any time to serve for one, two, or three years as they might elect, and if the quota of any district was not filled in fifty days the deficit was to be filled immediately by draft. On July 18, 1864, President Lincoln called for 500,000 volunteers, with the proviso that the number should be reduced by all credits theretofore earned. If the quota of any town, township, ward of a city, precinct, or election district, or county not so subdivided was not filled by volunteers by September 5th, a draft would be instituted. For Iowa the quota was 15,784, but credits for the excess of volunteers on previous calls reduced the number to 5749. In response to this call Iowa actually furnished 3995 men for one year, 60 for two years, and 168 for three years, while 67 paid commutation — a total of 4290. Of these

<sup>91</sup> There are records of a company of students from the State University, a company of Germans, and a company of middle aged men, while a large number came from the rural districts. Consent of parents was not necessary for the enlistment of minors over eighteen.—*Burlington Daily Hawk-Eye*, May 13, September 13, 1864; *Anamosa Eureka*, May 13, 1864; *Report of the Adjutant-General of Iowa*, 1865, p. 922; *War of the Rebellion: Official Records*, Ser. III, Vol. IV, p. 637.

<sup>92</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 755, 756.

probably 3900, including substitutes and representative recruits, were drafted. Although permission was granted from time to time to organize new companies and regiments, these units never materialized and all the troops obtained were sent into old regiments. The War Department issued a circular in July, 1864, permitting hundred-days volunteers who had served more than forty days to reenlist for one, two, or three years. Whenever seven hundred men should reenlist in the regiment to which they belonged the old regimental organization was to be retained. When the term of enlistment had expired Adjutant-General Baker requested all hundred-days men to reenlist in the United States service, and Governor Stone obtained authority to form a new regiment of infantry from the discharged men. The organization of this regiment was never accomplished, however, and indeed only a few of the hundred-days men from Iowa ever reenlisted.<sup>93</sup>

It was known that aside from losses incident to campaigns the army would be reduced very greatly in 1865 by the expiration of enlistments. Furthermore, the call for 500,000 troops in July, 1864, was so reduced by allowing credits that it yielded only 280,000 men. To maintain the effective strength of the army the President was compelled to issue a final call for 300,000 volunteers on December 19, 1864. In case quotas were not filled within the allotted fifty days a draft would be instituted on February 15, 1865. After considerable correspondence, and nearly a quarrel between Adjutant-General Baker and Provost-Marshal-General Fry, Iowa's quota and credits were so adjusted that the State was relieved of all obligation to furnish any men under the call of December 19, 1864. Upon the sug-

<sup>93</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 515, 516, 519, 541, 761, 1035, 1036; *Report of the Adjutant-General of Iowa, 1865*, pp. 924, 928, 929, 1866, p. 457.

gestion of James B. Fry, however, enlistment was continued and 854 men were furnished by this State in 1865. On April 29, 1865, the War Department ordered all recruiting to cease and all volunteers, drafted men, and substitutes who remained in rendezvous to be mustered out. The war was over.<sup>94</sup>

When the data on calls, quotas, credits, and men furnished for the Union armies was compiled, the records of the War Department showed that Iowa had been called upon for 79,521 troops and had furnished 76,242. Sixty-seven men paid commutation. The report of Adjutant-General Baker showed that 75,225 enlisted men were reported to the War Department, while 2834 had not been reported, making the total number of men furnished 78,059. Less than 4000 men, including substitutes, were drafted in Iowa. While these figures would seem to indicate that Iowa had not contributed its full share of men to the war, it must be remembered that all the volunteers up to June, 1864, except those composing the First Regiment, were enlisted for three years. If the total quota were reduced to a three-year basis it would amount approximately to only 61,220,<sup>95</sup> while the aggregate number of men furnished computed on the same standard amounts to 68,630. Furthermore, the statistics are based upon the number of enlistments and not on the number of individuals who served in the war, so that all who reënlisted have been counted twice. Therefore, in comparing the number of men Iowa furnished with the number from other States, the fact that most of the volunteers from this State enlisted for

<sup>94</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 567, 596, 1002, 1063; *Report of the Adjutant-General of Iowa*, 1866, pp. 100, 101.

<sup>95</sup> This figure includes the hundred-days men who were technically only offered to the government and were not required. No credit was allowed for them toward satisfying the volunteer quotas.

three years, whereas the enlistments elsewhere were often for shorter periods, would decrease the percentage of re-enlistments from this State and thereby increase the proportion of men actually furnished. The population of Iowa was 674,913 in 1860. If only 60,000 individuals were sent to the front, Iowa contributed approximately nine per cent of its population; while if only those liable to military service are considered the per cent is increased to over forty-three.<sup>96</sup>

A proclamation issued by Governor William M. Stone on January 23, 1865, after it was learned that Iowa was placed beyond the liability of a draft, reads like a benediction. He reminded the people that they were relieved only of present demands, that they would not be fully exempt until the war should terminate, and advised all able-bodied men to avail themselves of the opportunity of assisting the government in dealing the finishing blows to the Confederacy. "We congratulate you", he wrote, "upon a result alike creditable to you and gratifying to the State authorities". The Governor was proud to reflect that "patiently submitting to all the embarrassments attending a crisis like the present, you have sustained the Government in disaster and success with unfaltering devotion and fearlessly vindicated its policy against all enemies and traducers. Prouder still is the record of your military deeds. Among the first to rally in vindication of our insulted flag, your soldiers have been constantly in the front, performing the longest marches, participating in the severest battles, and bearing themselves on all occasions with the most conspicuous gallantry. Secure in the admiration of a grateful country, our State has won a high place in the pages of history. With

<sup>96</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, p. 787, Vol. IV, p. 1269; *Report of the Adjutant-General of Iowa*, 1866, pp. 457, 469; *Eighth Census of the United States*, 1860, Vol. I, pp. iv, xvii.

this wicked rebellion rapidly tottering to its end and the glorious work of universal emancipation so near its final accomplishment, we may begin to anticipate the blessings of an honorable peace, the glory of a country reunited, prosperous, and happy, and of a Government which guarantees liberty and justice to all." Nor did Governor Stone forget the "many thousands of brave men who in distant States are still bearing our banner toward the enemy". He closed with the hope that we would "do our duty at all times and in all seasons, under all calls, and under all demands of the General Government, and we shall show the world that although treason and rebellion may flourish for a season, that its ultimate doom is defeat, disaster, disgrace, and humiliation."<sup>97</sup>

#### BOUNTIES AND PREMIUMS FOR VOLUNTEERS

Of all the inducements held out to prospective volunteers bounties were probably the most effective encouragement for enlistment. From the days of the Revolution to the war with Spain in 1898, the United States followed the practice of paying a bonus to every volunteer for military service instead of providing adequate pay: the result was enormous expense, inferior soldiers sometimes inspired by mercenary motives, enlistments retarded by the hope of increased bounty, discrimination against rural communities, bounty jumping, and desertion. Some of the antiquated Federal bounty laws existing at the outbreak of the Civil War were repealed on August 3, 1861, but two dollars a month additional pay for five years was still allowed soldiers who re-enlisted and one dollar a month more was paid for each additional five-year period.<sup>98</sup>

<sup>97</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 1072, 1073.

<sup>98</sup> Huidekoper's *The Military Unpreparedness of the United States*, pp. 11, 147, 148, 163; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 20, 398; *United States Statutes at Large*, 1st Session, 33rd Congress, Ch. 247.

The general orders issued on May 4, 1861, for the organization of the volunteers under the call of May 3rd provided a bounty of \$100 for every volunteer when he was discharged. Wounded volunteers were entitled to the same benefits as were accorded soldiers in the regular army, while the heirs of those who died or were killed would receive \$100. These bounty regulations were enacted into law by the act of Congress approved on July 22, 1861, authorizing the President to call 500,000 volunteers. Some men no doubt enlisted with the anticipation of pocketing the \$100 when they were discharged, but that event was so indefinitely remote and the immediate need of funds so urgent with most volunteers that this first bounty probably had slight effect upon recruiting. General W. T. Sherman is authority for the statement that the men who were prompted to volunteer at the beginning of the war by the spirit of loyalty and patriotism were the best of soldiers — better than the bounty-paid gamblers, better than the conscripts, and far better than the paid substitutes that filled the ranks in the later years. No bounties were offered by the State of Iowa during the entire war, and those raised by counties, cities, or private subscription in 1861 were rare. A legitimate use of a bounty would have been the protection of dependent families, but they needed food and clothing at once and not at some future period. In Iowa authority was granted to counties and cities to care for dependent families of volunteers. For the purpose of distributing funds committees were appointed and companies of home guards were organized. Thousands of dollars were spent annually for the comfort of those who had sent their sons and husbands to the front.<sup>99</sup>

<sup>99</sup> Huidekoper's *The Military Unpreparedness of the United States*, p. 148; *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 153, 154, 382; *State Press* (Iowa City), February 5, 1862; *Laws of Iowa*, 1861 (Extra Ses-



No sooner had the policy of paying bounties been adopted than the States, desirous of stimulating recruiting, began to outbid the Federal government. Enormous sums were paid in bounties by States and cities and what is more, local bounties were paid uniformly in advance. While such a plan met the needs of dependent families it also led directly to the mischievous business of desertion, becoming instead of an inducement to enlistment actually an inducement to desertion and fraudulent reënlistment. Designing persons claiming to be recruiting officers from other States invaded Iowa and, by promising higher pay and larger bounties, inveigled many men to unite with outside organizations. Most of these inducements were extended under false pretenses and the volunteers, after depriving their own State of their services, found themselves forced into disagreeable service. In October, 1861, Governor Kirkwood ordered that no resident of Iowa should enlist for military service in another State and prohibited all recruiting except as authorized by Iowa or the United States government.<sup>100</sup>

In order to compete with local bounties Congress, in 1862, made the first month's salary of a recruit payable in advance, and on July 7th of the same year, upon the urgent request of William H. Seward, Secretary of State, the War Department issued orders to pay \$25 of the \$100 bounty at the time of muster. Still another means of stimulating en-

sion), pp. 3, 31; Oldt's *History of Dubuque County, Iowa*, pp. 261, 262. The report of the relief committee in Johnson County showed that eighty-one families were aided up to February, 1862, and a total expenditure of \$1029.60 was made. The War Department made arrangements whereby soldiers could direct the paymaster's department to send home part of their pay. Furthermore, after September, 1861, soldiers were paid in treasury notes to facilitate sending money by mail.—*War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 479, 527, 528.

<sup>100</sup> Huidekoper's *Military Unpreparedness of the United States*, pp. 147, 149; *Report of the Adjutant-General of Iowa*, 1863, Vol. II, pp. 750, 751.

listments was devised in 1862. A premium of two dollars was paid to any person for every recruit obtained, or if the volunteer presented himself in person the premium was payable to him.<sup>101</sup>

The call for 300,000 volunteers on July 2, 1862, was intended to fill up old regiments, but instead a large number of new units were organized. The States were more concerned with obtaining a large number of volunteers than in placing them where they would do the most good. The raising of the premium to three and later to four dollars as an inducement for volunteers to join old regiments had little effect. After it was decided to begin to draft men on September 3, 1862, the payment of bounties to volunteers for new regiments was discontinued after August 15th and for old regiments after September 1st, but on September 16th bounties were ordered to be paid indefinitely to volunteers for old regiments (those organized prior to July 1, 1862). On October 6th the same privilege was extended to regiments, batteries, and companies specially authorized by the War Department. General Orders No. 163, issued on June 4, 1863, caused the resumption of the payment of bounties to all volunteers.<sup>102</sup>

The inherent evils of the bounty system began to appear prominently in 1862. The rivalry between cities and counties to fill up the required quotas before the draft began — and this situation was chronic during the entire war — caused wealthy men to subscribe large sums to provide bounties. The citizens offered thirty-five dollars to every man who would join an Anamosa company, which with the

<sup>101</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 186, 206, 207. The State of New York had offered a two-dollar premium for each enlistment in the summer of 1861.— *War of the Rebellion: Official Records*, Ser. III, Vol. I, pp. 452, 465.

<sup>102</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 380, 381, 550, 651, 934, Vol. III, p. 251, Vol. V, p. 793.

first month's pay, a two-dollar premium, and the twenty-five-dollar Federal bounty amounted to seventy-five dollars. In Burlington a number of people contributed twenty-five or fifty dollars to a bounty fund. Moreover, the board of supervisors of Des Moines County voted \$4000 for additional bounties to volunteers enrolled before September. The supervisors of Clinton County paid a bounty of seventy-five dollars to every resident volunteer, with the result that nearly three companies were raised in a week. In Johnson County, where the bounty was only fifty dollars, the sum of \$43,275 was paid to volunteers by December 1, 1862. Governor Kirkwood advised the General Assembly to provide for a State bounty in September, 1862, but the only action was to legalize county bounties. There is no denying that enlistments in Iowa exceeded the quotas in the second year of the war, but the troubles that were unloosed by the local bounties far surpassed those which emanated from Pandora's notorious box. Many men rushed to the colors wherever they could obtain the largest bounties, so that large cities and wealthy counties drained the surrounding country and received credit for volunteers who had their residence elsewhere. Then when the draft was ordered the rural districts and backward counties were compelled to furnish men in place of those for whom credit should have been received in the first instance. Lawyers prospered. G. W. Field of Anamosa advertised that he enjoyed unusual facilities for recovering back pay and bounties.<sup>103</sup>

The enrollment act of March 3, 1863, established a bounty of \$50 for all volunteers or members of the militia who

<sup>103</sup> *Anamosa Eureka*, August 1, 1862, July 17, 1863; *Burlington Daily Hawk-Eye*, July 22, August 1, 21, 1862; *Iowa City Republican*, December 10, 1862; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 315; *Laws of Iowa, 1862* (Extra Session), pp. 37, 38; *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 637, 638.

would reënlist in the Federal service for one year and the regular bounty of \$100 for a two-year reënlistment. But the greatest financial boon to volunteers came June 25, 1863, when the Veteran Volunteer Army was created. To all volunteers who had served nine months and who would reënlist for three years there was offered one month's advance pay, a two-dollar premium, and a bounty of \$400 payable in \$25, \$50, and \$75 installments.<sup>104</sup> The explanation of such generosity is that enormous sums of commutation money — \$300 from every drafted man who could obtain exemption from active service in no other way — became available with which to buy volunteers. In October the bounty for a raw recruit in an old regiment was raised to \$300, and at the same time the premium offered for volunteers was increased to \$15 for one without military experience and to \$25 for a veteran.<sup>105</sup>

Toward the end of the year 1863 it was decided to suspend payment of all bounties after January 5, 1864, except the \$100 amount authorized by law, and a Congressional joint resolution to that effect was approved on December 23, 1863. The news of this action had such a disastrous effect upon recruiting, however, that Congress was induced to continue the large bounties until April 1, 1864. Moreover, the \$300 bounty to new recruits was paid for joining a new as well as an old regiment. On January 11, 1864, the payment of the two-dollar premium was annulled, but the premiums of ten and fifteen dollars were continued until

<sup>104</sup> Later the amounts of the installments were changed so as to allow seventy-five dollars at the time of muster.— *War of the Rebellion: Official Records*, Ser. III, Vol. III, p. 844.

<sup>105</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 91, 414, 415, 827, 828, Vol. V, pp. 794, 798. These premiums remained in force until March 1, 1864, when they were reduced to ten and fifteen dollars, respectively, for new recruits and veterans.— *War of the Rebellion: Official Records*, Ser. III, Vol. V, p. 794.

July 19, 1864. The General Assembly legalized all taxes levied by counties to meet appropriations for the payment of bounties and for the support of dependent families of volunteers.<sup>106</sup>

The last change in the Federal bounty was made in conformity to the law of July 4, 1864, which authorized enlistments of one, two, and three years. The bounty for a one-year term was fixed at \$100, for two years at \$200, and for three years at \$300, one-third payable at the time of muster, one-third when half the term had expired, and one-third when the volunteer was discharged. The final calls for troops having been filled, all bounties were discontinued after July 1, 1865.<sup>107</sup>

From the beginning of the war until June 30, 1865, Congress appropriated \$37,500,000 to pay advance bounty to volunteers and of that amount \$26,203,981.18 was expended. The whole amount of commutation money received by the United States was \$26,366,316.78 (\$22,500 commutation money was paid in Iowa, the smallest amount of any State except Illinois) and \$16,976,211.14 was disbursed by January 1, 1866, on account of enrollment, draft, and the procurement of substitutes. The total cost of bounties during the war in Iowa was \$1,615,171.20 — nearly \$21.17 for every enlistment, above what the Federal government paid. And all of the expense and trouble of providing bounties might have been avoided by paying the soldiers living

<sup>106</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 1189, 1194, Vol. IV, pp. 21, 30, 154, Vol. V, p. 794; *Laws of Iowa*, 1864, p. 36.

<sup>107</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 472, 473, Vol. V, p. 55. On June 15, 1864, bounty privileges were extended to negroes who were free on April 19, 1861. From November 28, 1864, to the end of the war a special bounty of \$300 was paid to men enlisting in the First Army Corps.— *War of the Rebellion: Official Records*, Ser. III, Vol. V, pp. 659, 660, 672.

wages and establishing a system of conscription that actually drafted instead of merely threatening.<sup>108</sup>

#### THE DRAFT IN IOWA

Written into the organic law of the land and recognized by all well organized governments is the principle that every citizen owes military service to his country in time of war. There are two methods of inducing men to meet their military liability: the voluntary system, which depends upon the pride and loyalty of the people; and the compulsory system, whereby the government compels men to perform their duty. The United States in theory has always believed in the volunteer system, but in each of the great wars it has been necessary to resort to compulsory service. Of compulsory service there are two types: conscription and universal training. The one is the temporary selection of a class of men to meet a particular emergency, the other is a permanent policy of compelling every male citizen to become proficient in the profession of war. Conscription involves a two-fold process, the enrollment of all available men for military duty and the selection or drafting of those who are needed. Compulsory service in the Union armies of the Civil War began in the autumn of 1862 by means of a draft conducted by the States, but not until the following spring was adequate provision made for enrollment and draft by Federal authorities.<sup>109</sup>

The great fault of the volunteer system is the failure to produce sufficient troops at the strategic time. In August, 1862, men were needed for the old regiments, so President Lincoln ordered each State to draft men for that purpose

<sup>108</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. V, pp. 683, 684, 748, 749, 795.

<sup>109</sup> *United States Constitution*, Art. I, Sec. VIII, Par. 15; *Constitution of Iowa*, Art. VI.

if they could not be obtained as volunteers. September 3rd was set as the date on which the draft was to begin. In the meantime the whole machinery for making the draft had to be created. For the benefit of the States in which there was no conscription law, of which Iowa was one,<sup>110</sup> the War Department issued instructions. If the quota of any State was not filled on August 15, 1862, by volunteers, the Governor was required to designate places of rendezvous for the drafted militia, and cause assessors or enrollment commissioners to make lists of all male citizens between the ages of eighteen and forty-five, giving the age, occupation, and the facts upon which to determine exemption from military duty. These lists were filed in the office of the sheriff.

A commissioner was appointed in each county to hear and decide claims of exemption. Physical disability was not a valid claim for exemption unless it was so permanent as to render a person unfit for a period of more than thirty days. Those engaged in specified industries such as telegraph operators, railroad locomotive engineers, workmen in arsenals and armories, all Federal officers and many government employees, and persons exempt from military service by virtue of State laws were excused without presenting claims.<sup>111</sup> At an appointed time all names remaining upon the enrollment lists were publicly placed in a jury wheel or box and a blindfolded person drew out the number of names sufficient to fill the quota of the county. The drafted men were then notified to appear in person or send a substitute to the county seat within five days after the time of drafting; and from thence they were to be sent to

<sup>110</sup> The militia law approved the previous winter (1862) contained only a few immaterial provisions regulating the draft.—*Laws of Iowa*, 1862, pp. 235, 236.

<sup>111</sup> State and county officers, physicians, and clergymen were also exempt from military service.—*War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 392, 459.

the place of rendezvous, there to be organized into companies and regiments. To prevent evasion all persons who were subject to draft were forbidden to leave their native county, State, or the United States on penalty of arrest and fine. In respect to all persons so arrested, as well as to those who discouraged enlistments, resisted the draft, or practiced any form of disloyalty, the writ of habeas corpus was suspended.<sup>112</sup>

Governor Kirkwood appointed enrollment officers, draft commissioners, and examining surgeons on August 18th, but asked that the draft be postponed until September 15th. The War Department gave him permission to defer the draft at his own discretion, because the enrollment lists were incomplete. Fortunately, Iowa filled the quotas of both calls in 1862 by volunteers and after the middle of September the only danger of a draft was from failing to supply the old regiments with new men. In November of that year Governor Kirkwood distributed the required quotas among the several counties, giving credit for the number of men already furnished, and gave them until January 1, 1863, to meet the deficit by voluntary enlistment. It was discovered that sixty-four counties had not sent their share of men to the old regiments (Dubuque County had a deficit of 1297), while thirty-three counties showed an excess (Muscatine County had done the best with a surplus of 505). Draft commissioners were instructed to assign quotas by wards in the cities and towns. By January conscription for Federal armies controlled by State officials was an admitted failure, so that the draft was not ordered in Iowa.<sup>113</sup>

<sup>112</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 291, 333-335, 370, 397, 587.

<sup>113</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 442, 464; *Report of the Adjutant-General of Iowa*, 1863, Vol. II, pp. 720, 721, 759-763.



The experience with the draft in 1862 convinced the wisest and most patriotic citizens that General W. T. Sherman was right in his opinion that the "Government, though a democracy, should in times of trouble and danger be able to wield the most despotic power of a great nation." Colonel Nicholas Perczel urged Governor Kirkwood to take the advice of a military man and inaugurate the draft as soon as possible. All over the North statesmen perceived that the business of creating armies must be handled by the Federal government without the intervention of State authorities. Furthermore, it was conceded that conscription was a far more equitable and democratic method of procuring soldiers than was volunteering: it was the only effectual way of equalizing the burden among the various localities. Newspapers endeavored to popularize the draft by comparing it to the system of taxation, whereby everyone contributed his just share to the support of the government. The one was held to be no more of a disgrace than the other. While there was a moral grandeur in sending a million volunteers to the front, the time had come for others to meet their obligations.<sup>114</sup>

But it was not easy to convince the public of the wisdom of a plan so contrary to the traditional military policy of the Nation. People were more accustomed to enjoy privileges than to fulfill duties. There was an unreasonable dread of any kind of compulsory service. Whatever might be the weight of argument or the influence of individual opinion, a large portion of the people preferred to raise their proportion of the military force by bounties paid to volunteers rather than by draft. Especially noticeable was the uneasiness produced among the laboring classes and in

<sup>114</sup> *War of the Rebellion: Official Records*, Ser. I, Vol. XXXIX, Pt. 2, p. 370, Ser. III, Vol. V, p. 611; *Kirkwood Correspondence*, No. 535; *Anamosa Eureka*, August 29, 1862.

localities where sympathy was not wholehearted for the Union cause and law-enforcement.<sup>115</sup>

After a protracted and animated discussion the enrollment act passed Congress and was approved on March 3, 1863. The main objects of the law were to enroll and hold liable to military duty all citizens capable of bearing arms, to call out the national forces by draft when required, and to arrest deserters. The national forces were declared to consist of all able-bodied male citizens between the ages of twenty and forty-five, including aliens who had declared their intention of becoming citizens. Exceptions were made of the physically and mentally unfit,<sup>116</sup> the President, Vice-President, court judges, heads of executive departments, Governors, felons, and some men upon whom other persons were dependent for support. The forces enrolled were divided into two classes: the first comprised all persons liable to perform military duty between the ages of twenty and thirty-five and all such unmarried persons between thirty-five and forty-five years of age; and the second class included all other persons subject to military duty, not to be called into service until the first class had been taken. For convenience in the operation of the conscription law the United States was divided into districts, usually corresponding to the Congressional districts (there were six districts in Iowa), under the supervision of a provost-marshal. The board of enrollment in each district consisted of the

<sup>115</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. V, p. 611.

<sup>116</sup> Fifty-one diseases and infirmities were enumerated as disqualifications, among them being insanity, epilepsy, paralysis, consumption, cancer, skin disease, chronic rheumatism, impaired sight, deafness, dumbness, confirmed stammering, loss of a sufficient number of teeth to prevent tearing cartridges, deformities, and the loss of arms, legs, fingers, and toes. It was said that men who had their teeth pulled to evade military service by being unable to tear cartridges were put in the artillery. Exemptions were determined after the draft, not at the time of enrollment.—*War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 136–139, Vol. V, p. 617; *Anamosa Eureka*, November 14, 1862.

provost-marshal and two other persons one of whom was a licensed physician and surgeon. Each enrollment district was sub-divided into townships, towns, or wards and an enrolling officer appointed over each sub-district.

Enrollment included the name, residence, age on July 1, 1863, and occupation of the individual. All persons enrolled were subject for two years from July 1, 1863, to be called into service during the war or for three years at most, and were placed on the same footing as volunteers, including the privilege of receiving advance pay and bounties as provided by law. Whenever it became necessary to call out the national forces the President was authorized to assign to each district the number of men to be furnished, taking into consideration the number and term of service of volunteers already supplied by each district, and thereupon the enrolling board proceeded to draft the required number of men and fifty per cent of the required number in addition, placing the names on the roll in the order drawn. Any drafted person was accorded the privilege of furnishing an acceptable substitute or paying \$300 for the procuring of a substitute before the day fixed for his appearance at the rendezvous. Unless he appeared in person or sent a substitute he was subject to arrest as a deserter. As soon as the required number of men were obtained from the list of those drafted, the remainder were discharged. The penalty for resisting the draft was a fine of five hundred dollars, imprisonment for two years, or both.<sup>117</sup>

The disloyal spirit in the southern part of Iowa which had been brewing for nearly a year became alarming shortly after Congress passed the enrollment act. On March 10th Samuel J. Kirkwood wrote to Secretary Stanton that conditions rendered a distribution of arms and ammunition among the loyal men of the State absolutely necessary.

<sup>117</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 88-93, Vol. V, pp. 611, 612; *Report of the Adjutant-General of Iowa*, 1864, p. 721.

Unscrupulous persons were arming, he said, to resist a draft under the conscription law. The following day the Governor asked permission to raise two or three regiments to serve as a State guard. The Sons of '76 and the Knights of the Golden Circle, secret societies formed and organized for purposes of insurrection, were trying to embarrass the government by discouraging enlistments, resisting conscription, encouraging desertion, and protecting deserters from arrest. It was essential that the State or Federal government should mete out "prompt, certain, and sharp" punishment to "some of these active scoundrels". Toward the end of March the Governor warned the people against the artful and wicked machinations of designing men who defied the law and threatened civil war in the hope of plunder, promising to all who resisted the authority of the government the punishment due to traitors — an atonement that would be terrible to contemplate. Care was taken to prevent arms from falling into the hands of disloyal men and all "Copperheads" were ordered to be mustered out of Iowa companies.<sup>118</sup>

Major Thomas Duncan was appointed provost-marshal for Iowa in April and enrollment began in May. Excess enlistments over former quotas made a draft in Iowa unnecessary in 1863, either to make up deficits or to satisfy the call of October 17, 1863,<sup>119</sup> but in July and August the draft riots in the East caused more or less sympathetic dis-

<sup>118</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. II, pp. 403, 404, Vol. III, pp. 62, 63, 66, 67, 125; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 511-514; Kirkwood's *Military Letter Book*, No. 6, pp. 114, 219, 443, 444.

<sup>119</sup> The quotas for the various conscription districts in Iowa under the call of October 17, 1863, were: first district, 1591; second district, 1704; third district, 1754; fourth district, 1703; fifth district, 1350; and sixth district, 808. It was not necessary to fill these quotas, because they were superseded by the call of February 1, 1864.—*War of the Rebellion: Official Records*, Ser. III, Vol. III, p. 904.

turbance in this State. "The enforcement of the draft throughout the country depends upon its enforcement in New York City", wrote Governor Kirkwood to the Secretary of War about the middle of July. "If it can be successfully resisted there it cannot be enforced elsewhere. For God's sake let there be no compromising or half-way measures." And Stanton replied: "The draft will be enforced in New York City. You need entertain no apprehensions of compromising or half way measures." To prevent loss of life and destruction of property, John Pope, commander of the Department of the Northwest, requested that two old regiments be sent to preserve order in Iowa, and Governor Kirkwood asked that the Seventh Iowa Cavalry should not leave the State until the draft was over.<sup>120</sup>

That the fears of government officials were well founded was realized on August 1, 1863, when George C. Tally, a rough, uneducated Baptist minister, led an armed band of disloyal followers to a mass meeting at South English, a Union stronghold in Keokuk County. As the rebel sympathizers made their way through the village wearing butter-nuts, the badge of the "Copperheads", they were taunted as cowards and somewhere a gun was discharged. At a signal the Tally gang began a general fusillade and the citizens returned the fire, killing Tally. The "Copperheads" retired to their rendezvous on the Skunk River, to await reinforcements before carrying out their threats to return and burn the town. When Governor Kirkwood was notified of the disturbance he sent forty stands of arms to the sheriff of Washington County, ordered eleven companies of State militia to Sigourney, and appeared in person at Sigourney. When the "Tally army" found itself confronted by the militia it decided to disband, and although a num-

<sup>120</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. III, pp. 193, 494, 520, 525, 576, 865.

ber of persons were arrested for the killing of Tally, prosecution was dropped in the district court.<sup>121</sup>

In February, 1864, Congress amended the enrollment act in the light of the defects demonstrated by the draft in the summer of 1863. The penalties for disloyalty and maladministration were made much more severe. Only persons not liable to the draft were eligible as substitutes and persons furnishing them were exempt only while the substitutes were not liable to be drafted. Commutation money served only to exempt a drafted person from one draft and for a period not longer than one year, his name being retained on the list for filling future quotas. The enrollment lists were ordered to be corrected. Exemptions were limited to the physically and mentally unfit, and to persons in the military service or those who had served two years in the Civil War. The two classes of enrolled militia under the first act were consolidated. When persons conscientiously opposed to bearing arms were drafted, they were considered non-combatants and assigned to hospital duty or else they paid \$300 to be used for the benefit of sick and wounded soldiers. Foreign birth was no longer ground for exemption if at any time such a person had assumed the rights of a citizen by voting or holding office. And finally, all able-bodied male colored persons between the ages of twenty and forty-five were to be enrolled as a part of the national forces. The policy of allowing a period of time for the districts to fill their quotas by volunteers before the date set for the draft was formally recognized by law, and Iowa, taking advantage of the privilege, supplied all the men required without resorting to the draft in the spring of 1864.<sup>122</sup>

<sup>121</sup> *Report of the Adjutant-General of Iowa*, 1864, pp. 687-691; *Annals of Iowa* (Third Series), Vol. IX, pp. 142-145; Gue's *History of Iowa*, Vol. II, pp. 87-90.

<sup>122</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 128-133.

On June 6, 1864, James B. Fry reported the results of the draft under the amended enrollment act. Of 14,741 men examined, 7016 were exempted, 5050 paid commutation, 1416 furnished substitutes, and only 1259 were held for personal service. Such results compelled the Provost-Marshal-General to recommend the repeal of the \$300 commutation clause, because it was evident that the army could not be materially strengthened as long as men could buy exemption from service. Accordingly the enrollment act was again amended on July 4, 1864. Thereafter no payment of commutation money was accepted in lieu of personal military service, but drafted men were still allowed to provide substitutes. Men were drafted for one year under this law, but volunteers for one, two, or three years were still acceptable for a period of fifty days after the call. Provost-marshals were directed to draft one hundred per cent in addition to the required quota.<sup>123</sup>

The quota of troops required from Iowa by the call of July 18, 1864, was 15,784, although this number was reduced to 5749 by excess credits.<sup>124</sup> The people seemed to think the object of conscription was the filling of quotas instead of the raising of troops. By September General Grant was thoroughly exasperated with the dilatory tactics of the recruiting officials. "I hope it is not the intention to postpone the draft to allow time to fill up with recruiting", he wrote. "The men we have been getting in this way nearly all desert, and out of five reported North as having enlisted we don't get more than one effective soldier." The draft was ordered to commence on September 19, 1864, in all loyal States. This announcement immediately stimulated recruiting and the price of substitutes rose as high as \$500

<sup>123</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 421, 472-474.

<sup>124</sup> Eventually the credits were adjusted so as to consume the entire quota, but a draft was instituted before the credit claims were acknowledged.

for one year. Most of the drawings were made in Iowa during October and November. Before allowance was made in January, 1865, for Iowa's excess credits on account of the three-year enlistments which finally squared accounts for all quotas, it was necessary to draft nearly 4000 men.<sup>125</sup>

The only serious resistance to the draft of 1864 occurred in Poweshiek County. A company of "Democrat Rangers" attacked and murdered John L. Bashore and Josiah M. Woodruff, who were on their way to arrest several drafted men in Sugar Creek Township who had failed to report. Six men were arrested and one was convicted of murder and sentenced to be hanged, but President Lincoln commuted the punishment to life imprisonment.<sup>126</sup>

In 1864 a number of persons who were not physically fit for military duty or were exempt from draft for other reasons expressed a desire to be personally represented in the army. The Provost-Marshal-General deemed this practical patriotism so worthy of special commendation that he ordered every facility to be extended to enlist all the acceptable "representative recruits" who were offered. Nineteen personal representatives were sent to the army from Iowa by William B. Allison, Stephen B. Ayres, John G. Foote, Nathan P. Hubbard, H. M. Hoxie, John D. Merritt, Hiram Price, William A. Remington, Robert Smyth, and others.<sup>127</sup>

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<sup>125</sup> *War of the Rebellion: Official Records*, Ser. I, Vol. XL, Pt. 2, p. 783, Ser. III, Vol. IV, pp. 515, 519, 725; *Burlington Daily Hawk-Eye*, October 12, 15, 24, November 17, 1864; *Council Bluffs Nonpareil*, November 12, 1864; *Shambaugh's Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 171.

<sup>126</sup> Gue's *History of Iowa*, Vol. II, pp. 91, 92; *Report of the Adjutant-General of Iowa*, 1865, pp. 1411-1415.

<sup>127</sup> *War of the Rebellion: Official Records*, Ser. III, Vol. IV, pp. 453, 454, Vol. V, pp. 931, 932.



## THE MILITARY-INDIAN FRONTIER 1830-1835

The frontier in American history has not meant an international boundary line, such as that between Canada and the United States. Instead, the word suggests an intangible zone which marked the westernmost advance of civilization. Each of the various activities in which the Americans engaged had a frontier of its own, and by the time the people in the east realized that the advance guard of industry had reached a certain point, the pioneers were well beyond that place. Thus it was that the people of New England thought of Ohio or Iowa as frontier territory long after the Indians had withdrawn and schools and churches had taken the place of the council fire and the wigwam.

The traders and the trappers early forced their way into the very heart of the Indian country, but their occupation tended to keep the Indians on the land rather than to drive them away. A few trappers and traders, sometimes stationed hundreds of miles apart, made little impression on the appearance or condition of the country. They were, it is true, the precursors of the great army of occupation, but the Indians did not at first realize this fact.

Then there were the miners who established the mining frontier. Breaking through the Indian line, they established here and there little settlements, such as those south of Lake Superior, at Dubuque, in the Black Hills, and later in the Rocky Mountains and California. Their advance was less rapid than that of the traders, but the groups were larger and the danger to the Indians more clearly recognized.

Gradually men who were neither traders nor miners came

to look over the country, and soon they began to stake out claims and build their cabins. Thus there was the agricultural frontier — the most definite and important of all — and here was the dividing line between the Indians and the whites. The Indians and the traders could exist side by side, but the establishment of farms meant the end of Indian occupation of the land. This frontier was marked not by a line, however, but rather by a zone. To the east were the compact white settlements, to the west the wild hunting grounds of the natives; but between them there was a strip of territory occupied partly by white pioneers and partly by Indians. Here the advance guard of the Anglo-Saxons and the border tribes of Indians struggled for possession and the Indians always lost.

This ceaseless conflict between those who possessed the land and those who coveted it, between what the white man has chosen to call barbarism and civilization, resulted usually in the establishment of the military frontier. This was an irregular line of widely separated forts and encampments, garrisoned usually by one or two companies of infantry or cavalry.

Since the expansion of the United States westward has been largely the result of individual rather than of governmental initiative, the frontiers have not been essentially military. Individual traders and explorers often blazed the way for the military expeditions and the sound of the axe and the splash of the voyageur's paddle preceded the bugle notes. Yet the army has played no inconsiderable part in the settlement of the West, nor has its work been limited to fighting.

#### THE LOCATION OF THE FRONTIER FORTS

By 1830 the most western point reached by the settlements was the junction of the Kansas and Missouri rivers.

From this place the line ran northeast across central Illinois and Indiana to Detroit. To the south the settlements followed the Missouri, Arkansas, and Red River valleys, leaving the land between these streams almost uninhabited. In Mississippi, Alabama, and Georgia were great tracts of land still unoccupied by white men, and northwest of the northern line were scattered settlements such as that at Prairie du Chien. But the line of compact, agricultural settlements might have been roughly represented by a triangle, with its apex at Fort Leavenworth, the end of one side at Detroit, and the end of the other at New Orleans.<sup>1</sup>

The Indians, however, had ceded their rights to territory farther west than this line of agricultural settlements — although the indefiniteness of the Indians' title to the land and their lack of a responsible government resulted in much confusion as to ownership. The extent of these cessions in 1830 may be roughly indicated by drawing a line across northern Michigan, around the southern shore of Lake Michigan to the northern boundary of Illinois, then northward to include southwestern Wisconsin. From Prairie du Chien the line followed the Mississippi River, the northern boundary of Missouri and the western boundary of Missouri, Arkansas, and Louisiana to the Gulf of Mexico. Nearly half of Mississippi and Alabama and a part of Georgia were also Indian country.<sup>2</sup>

Even in the north there were large numbers of Indians still east of this line, many of whom did not know that a treaty of cession had been made or did not recognize the

<sup>1</sup> *Statistical Atlas of the United States*, 1900, Plate No. 6.

<sup>2</sup> As late as 1832 it was estimated that there were 20,000 Creeks in Alabama, 4000 Seminoles in Florida, and 10,000 Cherokees and 4000 Chickasaws in the various southern States.— *American State Papers, Military Affairs*, Vol. V, p. 25.

The boundary of the Indian cessions was taken from the maps in the *Eighteenth Annual Report of the Bureau of American Ethnology*, Pt. 2.

authority of those who had made it. In some places white settlements, like those in the vicinity of Prairie du Chien and Rock Island, were entirely surrounded by Indians of various tribes.

Beyond this line the United States was removing, as speedily as possible, the Indians who occupied the land contiguous to white settlements or whose possessions were coveted by the pioneers. The Indians already transported westward were restless and dissatisfied; those who lingered were suspicious and often hostile. The settlers, with good reason, feared the enmity of the people whom they had dispossessed and consequently they demanded protection. The pioneers of 1830, like those of the earlier period, could fight, but they preferred to have it done for them. The United States government claimed supervision over the Indians — though it did not always succeed in enforcing its claim — and the settlers asked that it should furnish troops to remove the Indians and to protect the settlements in case the natives returned to their old haunts.

On the other hand, white men frequently encroached on the lands of the Indians and violations of the laws regulating trade were common. The law prohibiting the sale of liquor to the Indians was openly defied and the only means of making any laws effective beyond the organized civil governments was by military force.

In order to preserve order along this western boundary the government established forts at various places along the frontier and garrisoned them with regular troops. These forts and posts formed a line around the Great Lakes, extended across from Green Bay to Prairie du Chien, and followed approximately the boundary of the Indian land cessions. Occasionally, a fort was located in the midst of the white settlements, as in the case of Jefferson Barracks; a few were entirely in the Indian country, like Fort Snelling

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and Fort Gibson; but for the most part, they were located in the strip of territory occupied by whites and Indians, the storm center of the contest between the two races.

Statistics concerning the most important of these western forts from 1830 to 1835 are given in the following table:

TABLE I  
STATISTICS CONCERNING WESTERN FORTS 1830-1835<sup>a</sup>

No.	Name and Location	Year	Commanding Officer	Companies	Regiment	Officers	Men
1	Fort Howard, Green Bay, constructed 1816	1830	Colonel William Lawrence		5th Inf.	13	206
		1831	Major John Fowle	2	" "	6	104
		1832	Brig.-Gen. G. M. Brooke	4	" "	9	118
		1833	" " " " "	4	" "	12	160
		1834	" " " " "	4	" "	9	202
		1835	" " " " "	4	" "	8	120
2	Fort Dearborn, Chicago, constructed about 1803	1830	Major John Fowle		5th Inf.	6	89
		1831	— — —	—	— —	—	—
		1832	Major William Whistler	2	2nd Inf.	6	90
		1833	Major John Green(e)	2	5th Inf.	8	83
		1834	" " " "	2	" "	6	89
		1835	Major De Lafayette Wilcox	2	" "	6	93
3	Fort Winnebago, Fox-Wisconsin Portage. Founded 1828, evacuated 1845	1830	Major D. E. Twiggs		1st Inf.	10	136
		1831	Lieut.-Col. Enos Cutler	4	5th Inf.	8	156
		1832	" " " "	4	" "	9	138
		1833	" " " "	4	" "	8	160
		1834	" " " "	4	" "	9	199
		1835	Major John Green(e)	4	" "	8	190
4	Fort Crawford, Prairie du Chien, built 1816	1830	Colonel Willoughby Morgan		1st Inf.	13	183
		1831	" " " "	5	" "	13	214
		1832	Colonel Zachary Taylor	5	" "	12	156
		1833	" " " "	5	" "	11	155
		1834	" " " "	5	" "	11	257
		1835	" " " "	5	" "	11	267
5	Fort Snelling, at junction of St. Peter's and Mississippi rivers, founded 1819	1830	Lieut.-Col. Zachary Taylor		1st Inf.	10	150
		1831	" " " "	3	" "	8	136
		1832	Lieutenant Jefferson Vail	3	" "	5	128
		1833	Major John Bliss	3	" "	5	98
		1834	" " " "	3	" "	9	156
		1835	" " " "	3	" "	8	159

<sup>a</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 592, 722, 724; Vol. V, pp. 36, 38, 177, 179, 367, 370, 637, 640.

No.	Name and Location	Year	Commanding Officer	Companies	Regiment	Officers	Men
6	Fort Armstrong, Rock Island, erected 1816	1830	Major John Bliss		3rd Inf.	6	88
		1831	" " "	2	1st Inf.	7	62
		1832	Major T. J. Beall	2	" "	5	43
		1833	Lieut.-Col. Wm. Davenport	2	" "	6	69
		1834	" " " "	2	" "	6	91
		1835	" " " "	2	" "	7	85
7	Cantonment Leavenworth, on right bank of Missouri, near the Little Platte. Fort Leavenworth, founded 1827	1830	Major William Davenport		6th Inf.	13	168
		1831	" " "	4	" "	13	193
		1832	Major Bennet Riley	4	" "	10	142
			Captain Matthew Duncan	1	Rangers	4	110
		1833	Captain W. N. Wickliffe	4	6th Inf.	8	108
		1834	Colonel Henry Dodge	4	Dragoons	11	162
8	Jefferson Barracks, near St. Louis, established 1826	1830	Brig.-Gen. Henry Atkinson		3rd Inf. and 6th Inf.	47	544
		1831	" " " "	6	6th Inf.	17	247
		1832	" " " "	6	" "	14	220
		1833	Lieut.-Col. Daniel Baker	5	Dragoons and 6th Inf.	35	639
		1834	Brig.-Gen. Henry Atkinson	10	6th Inf.	25	392
		1835	" " " "	10	" "	24	457
9	Cantonment Gibson, at mouth of the Neosho River. Fort Gibson, erected 1824, abandoned 1857	1830	Colonel Matthew Arbuckle		7th Inf.	16	227
		1831	" " "	10	" "	25	394
		1832	Colonel Arbuckle	10	" "	18	488
			Cpts. Nathan Boone, Jesse Bean, and John Fowle	3	Rangers	12	320
		1833	Colonel Arbuckle	9	7th Inf.	15	372
		1834	Brig.-Gen. Arbuckle	3	Dragoons	9	126
10	Fort Smith, on the Arkansas River, near the western boundary line of Arkansas. Established 1817, named Fort Smith, 1818, vacated from 1824-1833, closed 1871	1830					
		1831					
		1832					
		1833	Captain John Stuart	1	7th Inf.	3	49
		1834					
		1835					

**THE MILITARY-INDIAN FRONTIER 1830-1835    399**

No.	Name and Location	Year	Commanding Officer	Companies	Regiment	Officers	Men
11	Fort Coffee, across the line from Fort Smith Erected 1834	1830					
		1831					
		1832					
		1833					
		1834	Captain John Stuart	1	7th Inf.	1	42
		1835	" " "	1	" "	4	50
12	Camp Des Moines, right bank of Mississippi, near mouth of Des Moines River	1830					
		1831					
		1832					
		1833					
		1834	Lieut.-Col. Stephen Watts Kearny	3	Dragoons	6	107
		1835	Lieut.-Col. Stephen Watts Kearny	3	"	9	170
13	Cantonment Jesup, near Natchitoches, Louisiana	1830	Lieut.-Col. J. B. Many		7th Inf.	14	135
		1831	Brig.-Gen. Henry Leavenworth	6	3rd Inf.	15	217
		1832	Brig.-Gen. Henry Leavenworth	6	" "	17	265
		1833	Brig.-Gen. Henry Leavenworth	6	" "	18	196
		1834	Colonel J. B. Many	6	" "	17	261
		1835	" " " "	6	" "	16	281
14	Cantonment Towson, on the Red River near the Kiamichi	1830					
		1831	Lieut.-Col. J. H. Vose	4	3rd Inf.	12	163
		1832	" " " " "	4	" "	13	192
		1833	" " " " "	4	" "	11	174
		1834	" " " " "	4	" "	8	86
		1835	" " " " "	4	" "	12	177
15	Baton Rouge, Louisiana	1830	Lieut.-Col. W. S. Foster		4th Inf.	13	167
		1831	Colonel D. L. Clinch	3	" "	10	133
		1832	Lieut.-Col. W. S. Foster	3	" "	10	125
		1833	Captain Henry Wilson	3	" "	8	129
		1834	Major J. M. Glassell	4	" "	11	130
		1835	Lieut.-Col. W. S. Foster	4	" "	7	118
16	Cantonment Atkinson, Calcasieu, Louisiana	1830	Major George Birch		7th Inf.	3	47
17	Fort Wood, Chef Menteur, Louisiana, occupied by first garrison in 1827	1830	Major R. A. Zantzinger		2nd Art.	5	36
		1831	" " " "	1	" "	2	44
		1832	" " " "	1	" "	2	31
		1833	" " " "	1	" "	3	29
		1834	Captain Allen Lowd	1	" "	4	18
		1835	" " " "	1	" "	3	50

These statistics concerning the most important of these western forts from 1830 to 1835, although incomplete, throw some light on the military situation during this period. The average number of regular troops stationed at Fort Howard, for example, for the years 1830 to 1835 was about 160, the number at Fort Crawford about 200, while Jefferson Barracks, the best garrisoned of the posts, had an average of only 477 men, including officers. The total number of troops on the western line of forts in 1830 was 2176 men and 169 officers. In 1833 there were 2421 men and 151 officers, and other years show little change from these figures. When it is considered that these forts were strung out along a frontier of over 1500 miles, it is evident that the number of men employed was very small.

These posts were not strongly fortified — indeed, many of them were merely encampments, and not forts at all. Here soldiers were stationed in order that they might be ready to move against any hostile Indians; here the expeditions into the unsettled and unexplored regions were prepared. There was comparatively little danger of an attack upon the fort itself, for the hostile Indians preferred to fall upon some band of unsuspecting settlers or upon the occupants of a lonely pioneer's cabin. Even Fort Winnebago, situated as it was in the midst of warlike Winnebagoes and near the hostile Sacs and Foxes, was poorly defended. An inhabitant of the post at the time of the Black Hawk War wrote of it:

Fort Winnebago was not picketed in; there were no defences to the barracks or officers' quarters, except slight panelled doors and Venetian blinds — nothing that would long resist the blows of clubs or hatchets. There was no artillery, and the Commissary's store was without the bounds of the Fort, under the hill.<sup>4</sup>

<sup>4</sup> Kinzie's *Wau-Bun*, p. 315.



A painting of old Fort Winnebago, as it was supposed to have appeared in 1834, shows a double line of pickets enclosing a square in which were the armory, guard-house, barracks, officers' quarters, and other buildings. A number of buildings belonging to the fort were outside the palisades, as was also the Indian agency building.<sup>5</sup>

Very different, both in appearance and location, was the reserve post known as Jefferson Barracks, as is indicated in the following description:

The buildings, constructed of stone, are romantically situated on a bold bluff, the base of which is swept by the Mississippi, and were intended to garrison an entire regiment of cavalry for frontier service. Three sides of the quadrangle of the parade are bounded by the lines of galleried barracks, with fine buildings at the extremities for the residence of the officers; while the fourth opens upon a noble terrace overlooking the river. The commissary's house, the magazines, and extensive stables, lie without the parallelogram, beneath the lofty trees. From the terrace is commanded a fine view of the river, with its alluvial islands, the extensive woodlands upon the opposite side, and the pale cliffs of the bluffs stretching away beyond the bottom.

Although located at a distance from the frontier line, Jefferson Barracks had been selected for strategic purposes. "The line of frontier," said a visitor, "including the advanced post of Council Bluffs on the Missouri, describes the arch of a circle, the chord of which passes nearly through this point; and a reserve post here is consequently available for the entire line of frontier. From its central position and its proximity to the mouths of great rivers leading into the interior, detachments, by means of steam transports, may be thrown with great rapidity and nearly equal facility into the garrisons upon the Upper Mississippi, the Missouri, the Arkansas, Red, or Sabine Rivers."<sup>6</sup>

<sup>5</sup> *Wisconsin Historical Collections*, Vol. XIV, p. 64.

<sup>6</sup> Flagg's *The Far West in Thwaites's Early Western Travels*, Vol. XXVI, pp. 175, 176.

Fort Smith, at this period, combined some of the features of both Fort Winnebago and Jefferson Barracks. Situated at the junction of the Poteau and Arkansas rivers, about thirty feet above their level, it was constructed of hewed logs, like Fort Winnebago, but the buildings here were arranged to form two sides of a square.<sup>7</sup>

There appears to have been a great deal of competition among various localities to secure the location of these forts, each group of settlers urging upon the general government the danger from the Indians at that particular point, and the obligation of the United States to protect them. The legislatures of the various States and Territories also sent in petitions for protection. Thus, in 1833 the General Assembly of Missouri asked that a depot of arms and ammunition be located near the northwestern boundary of the State.<sup>8</sup> The people of Arkansas, likewise, presented their grievances to Congress. They desired the transfer of the garrison from Fort Gibson to Fort Smith or to some place within the boundaries of the Territory. Fort Gibson had been built in 1825, when Arkansas Territory included all the land as far west as the fort, but in 1828 Congress ceded the land between Fort Gibson and the present western boundary of Arkansas to the Cherokee Indians,<sup>9</sup> thus leaving the troops — for whom land was reserved — some forty miles west of Arkansas and entirely within the Indian country.

In support of the petition for the reoccupation of Fort Smith, which was just within the Territory, the following arguments were used. Fort Smith was more convenient, because it was the highest point of safe navigation on the Arkansas River, and the troops could be provided for more

<sup>7</sup> *Publications of the Arkansas Historical Association*, Vol. III, p. 358.

<sup>8</sup> *American State Papers, Military Affairs*, Vol. V, p. 240.

<sup>9</sup> *American State Papers, Military Affairs*, Vol. V, pp. 242, 243, 261.

easily. Furthermore, the troops at Fort Gibson were separated by Indians from the white settlements they were supposed to defend. Representative Dixon H. Lewis of Alabama, in a speech made on March 14, 1834, took up this question and declared: "I suppose it will not be contended that we keep up a standing army solely to defend the Indian tribes. The garrison is designed for our defence, and for no other purpose." He also discussed the charge made by the opponents of the removal that the people of Arkansas desired to secure the profits of furnishing supplies to the garrison, then numbering about five hundred men. "Such are not our objects", he declared. "But suppose they were, can your troops live without eating? Is it treasonable to procure supplies for them from the people of Arkansas, who have an abundance to supply them with?"<sup>10</sup>

Curiously enough, one argument for the change in the location of forts was the corrupting influence of the soldiers on the Indians, a claim which was doubtless true, but which appears to have influenced the settlers far less than the hope of profitable trade. An argument appearing to be equally altruistic was the claim that the United States, having ceded the land to the Cherokees, had no right to the site of the fort for military purposes. Another argument was advanced by Representative William H. Ashley, who declared that the troops were not needed at Fort Gibson, for only one-tenth of the Indians on the frontier were located in its vicinity. Of the fifty-five Indian agencies at this time, he declared that forty-five were to the north or northwest of this point.<sup>11</sup>

Those who favored the retention of the troops at Fort Gibson maintained that the garrison was necessary there for the purpose of protecting the Santa Fe Trail, which was

<sup>10</sup> *Register of Debates*, 1st Sess., 23rd Cong., p. 2995.

<sup>11</sup> *Register of Debates*, 1st Sess., 23rd Cong., p. 2985.

in more danger than were the settlements. In answer to the charge that the government had no right to the site, it was pointed out that the land for this reservation, and for a road to it, had not been ceded to the Indians by the treaty of 1828.<sup>12</sup> When Representative G. R. Gilmer of Georgia, in defending the location of the troops at Fort Gibson, declared that the Cherokees were civilized and that the settlers did not need protection from them, he was met by the sharp retort from Mr. Lewis that the Indians must have become very suddenly civilized since their departure from Georgia, only a short time before.<sup>13</sup>

The appropriation of \$25,000 for new barracks at Fort Gibson was strongly opposed. Representative Ambrose H. Sevier of Arkansas Territory moved that an appropriation of \$10,000 for Fort Smith should be substituted for the former bill, and declared that he had a petition with eleven hundred signatures praying that Fort Smith should be re-occupied. The appropriation was finally reduced to \$5,000 for temporary repairs at Fort Gibson.<sup>14</sup>

The War Department, indeed, would have found it difficult to satisfy the demands of the frontier settlements for forts—although the troops were desired strictly for the purpose of coercing the Indians and not to enforce the laws on the white men.

#### THE ORGANIZATION OF THE ARMY

The number of men in the entire regular army of the United States in 1830 was 5951,<sup>15</sup> divided between the east-

<sup>12</sup> *Register of Debates*, 1st Sess., 23rd Cong., p. 2983.

<sup>13</sup> *Register of Debates*, 1st Sess., 23rd Cong., pp. 2985, 2994-2997.

The Cherokees resolutely fought all attempts of Georgia to remove them, but finally yielded in 1836, and the last group left Georgia in 1838. After President Jackson refused to enforce the decision of the Supreme Court in their favor, however, many accepted the government's offer of western lands.—Parker's *The Cherokee Indians*, pp. 18-49.

<sup>14</sup> *Register of Debates*, 1st Sess., 23rd Cong., pp. 2879, 2980.

Fort Gibson was not abandoned, however, until 1857.

<sup>15</sup> *American State Papers, Military Affairs*, Vol. IV, p. 591.

ern and western departments. It is evident therefore that the number of regular troops available for service on the western military frontier must have been very small. The line separating the two departments ran from the southernmost point of Florida to the northwestern extremity of Lake Superior; and according to this division some of the western forts, such as Fort Howard, were in the eastern department.<sup>16</sup> During the period from 1830 to 1835, the commanding officer of the western department was Major General Edmund P. Gaines, while Major General Winfield Scott was in charge in the east.

In 1831 a proposed reorganization of the army provided that on a peace footing the army should consist of about 6000 men and 544 officers. A company was to consist of fifty men under three officers, and a regiment was to be made up of four hundred men and thirty-six officers. It was estimated that this force could be expanded in time of war to an army of 24,060 men, with 824 officers. Companies would then contain one hundred men, and regiments 1604 men and fifty-three officers.<sup>17</sup>

The men were paid every two weeks, unless their expeditions made this impossible. Private soldiers in 1831 received five dollars per month, non-commissioned officers slightly more, the highest pay given to men of this class being ten dollars a month. They were also provided with food, clothing, and medical attendance, although these were not of a quality equal to that furnished soldiers to-day. They were also supplied with a whiskey ration until December, 1830, when this custom was abolished; although it was still easy for soldiers to buy liquor.<sup>18</sup> The average cost of the clothing furnished each soldier in 1834 was \$30.93.<sup>19</sup>

<sup>16</sup> *American State Papers, Military Affairs*, Vol. V, p. 294.

<sup>17</sup> *American State Papers, Military Affairs*, Vol. IV, p. 638.

<sup>18</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 640, 718.

<sup>19</sup> *American State Papers, Military Affairs*, Vol. V, p. 237.

Neither the number of men, nor the plan of organization changed greatly during this period. The western army contained about half the entire number in the regular forces, and its men differed very little in character from those stationed in the eastern forts.<sup>20</sup>

The most characteristic western troops were the mounted rangers or dragoons, who were intended for Indian fighting only. As early as 1831 Secretary of War Lewis Cass had advocated the establishment of a "corps of mounted men, to be stationed at the most exposed points, and to be always prepared to follow every party that may attempt to interrupt the peace of the border".<sup>21</sup> These rangers were organized into six companies of one hundred and ten men each and were to serve for one year. It was expected that frontier men would enlist in these companies and that they would be superior to the regular private soldiers. Nevertheless, in December, 1832, the committee on military affairs of the House of Representatives reported that the mounted rangers were inferior to regular cavalry. The companies were too large, and only one field officer was provided for six hundred and sixty men. The committee further argued that these mounted rangers were expensive and that regular cavalry armed with rifles would be able to perform all the duties for which they had been organized. Moreover, a regiment of cavalry would cost \$153,932 per year less than the battalion of rangers.<sup>22</sup>

Mounted men were, however, a necessity. "Our permanent military posts," said the Secretary of War in 1832, "garrisoned by infantry, exert a moral influence over the Indians, and protect important and exposed positions. But

<sup>20</sup> In 1834, the entire army consisted of 6054 men, including 363 dragoons.—*Niles' Register*, Vol. 46, p. 381.

<sup>21</sup> *Register of Debates*, 1st Sess., 22nd Cong., p. 14, in Appendix.

<sup>22</sup> *American State Papers, Military Affairs*, Vol. V, p. 126. See also p. 40.

to overtake and chastise marauding parties and, in fact, to carry on any serious operations against an Indian foe in the level regions of the west, horsemen are indispensably necessary."<sup>23</sup>

The suggestion was adopted and provision was made for a regiment of dragoons, who were to combine the mobility of the rangers with the general features of the regular cavalry. In 1833 the Secretary of War made the following report:

The act for the better defence of the frontiers by raising a regiment of dragoons is in the process of execution. About six hundred men have been enlisted and most of the officers appointed, and five of the companies have been ordered to proceed to Fort Gibson, upon the Arkansas, where they will be stationed during the winter. The remainder of the regiment will be concentrated at Jefferson Barracks this season, and it is intended in the spring to order the whole to proceed through the extensive Indian regions between the western boundaries of Missouri and Arkansas and the Rocky mountains. It is deemed indispensable to the peace and security of the frontiers that a respectable force should be displayed in that quarter, and that the wandering and restless tribes who roam through it should be impressed with the power of the United States by the exhibition of a corps so well qualified to excite their respect. These Indians are beyond the reach of a mere infantry force. Without stationary residences, and possessing an abundant supply of horses, and with habits admirably adapted to their use, they can be held in check only by a similar force, and by its occasional display among them. Almost every year has witnessed some outrage committed by them upon our citizens, and, as many of the Indian tribes from the country this side of the Mississippi have removed and are removing to that region, we may anticipate their exposure to these predatory incursions, unless vigorous measures are adopted to repel them. We owe protection to the emigrants, and it has been solemnly promised to them; and this duty can only be fulfilled by repressing and punishing every attempt to disturb the general tranquillity.<sup>24</sup>

<sup>23</sup> *American State Papers, Military Affairs*, Vol. V, pp. 19, 126.

<sup>24</sup> *American State Papers, Military Affairs*, Vol. V, p. 170.

The mounted rangers had cost \$297,530 annually per corps, a regiment of

These dragoons were for many years a permanent feature of the frontier. The statistics concerning the forts given above indicate the number and location of the various companies. They were used, for the most part, in the southwest and central west; but were seldom employed in the north, where rivers and lakes offered the best method of transportation.

The two great evils of which complaint was made by the military officers of this period were intemperance and desertion. In respect to the former, it is only necessary to note that it was common in all occupations and classes and was doubly prevalent among men who were deprived of home influences and subjected to periods of idleness followed by weeks of severe toil. For many years liquor had been furnished as a part of the rations, and there was nothing in the life of the private soldier, at least, to strengthen him against a habit acquired, perhaps, before he enlisted. According to the Secretary of War, the amount of liquor furnished to the army in 1830, just before the abolition of this custom, was 72,537 gallons, at a cost of \$22,132.

Intemperance often led to desertions, which were alarmingly frequent, and numerous enough to indicate a vital weakness, either in the character of the men enlisted or in their treatment afterwards. It is clear that the temptation to desert must have been great. The pay was small, the work difficult, and there was little chance for the private to advance beyond the rank of a non-commissioned officer. In addition to these facts, escape in most cases was easy, and the punishment when a deserter was captured was usually imprisonment and hard labor — a situation little more

dragoons about \$143,598.— *American State Papers, Military Affairs*, Vol. V, p. 18.

The cost of recruiting the dragoons up to September 30, 1833, was \$5,663.55. — *American State Papers, Military Affairs*, Vol. V, p. 181.



burdensome than his life had been before, except for the dishonor, for his guards were fellow-soldiers and all soldiers were kept at work.

Statistics of the number of desertions from these western posts are not available, but the number of desertions from the entire army in 1830 was 1251, and in 1831 the number was 1450. When compared with the number of soldiers, the number of desertions — more than one-fifth of the total — is noteworthy. The financial loss from this cause in 1831 was estimated at \$118,321. In 1833 it was stated that desertions for a given period averaged a third less than during the previous year.<sup>25</sup>

Death at the hands of the enemy was less frequent for the regular soldier on the frontier than might have been expected, even during the Black Hawk War. In times of peace the number of deaths was small, except in cases of epidemics. The number of deaths in the year preceding January 7, 1832, was one hundred and twenty-six, twenty-two of which resulted from intemperance and twenty-one from consumption.<sup>26</sup>

In 1832 the soldiers along the western frontier met their most deadly foe. This was not Black Hawk, whom they had been sent west to fight, but the Asiatic cholera, which came with them on their trip around the Great Lakes from the eastern cities where it was already raging. Many soldiers died on the way and many deserted, terrified by an enemy whom no one knew how to meet.

When the "Sheldon Thompson", one of the transports, reached Fort Dearborn in July, 1832, the fort was converted into a hospital, which held two hundred men seized with the plague, fifty-eight of whom died. The two com-

<sup>25</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 708, 709, 727, Vol. V, p. 173; *Niles' Register*, Vol. 41, p. 340.

<sup>26</sup> *Niles' Register*, Vol. 41, p. 340.

panies under Major William Whistler already there were moved out of the fort and suffered less than the newcomers. It was no wonder that all classes of people were panic-stricken by a disease which medical science was powerless to control. Even the army surgeons deserted their places of duty, and General Scott, then in command, was obliged to leave his troops to recover as best they could, while he went to Prairie du Chien to take charge there. When the fighting was over he went to Fort Armstrong, where he ordered his troops to assemble. Here again, they were confronted by the unconquerable enemy. General Scott was not, however, lacking in the courage and determination required by this emergency. He advised precautions in dress and cleanliness, but he was convinced that it was "INTEMPERANCE, which, in the present State of the atmosphere generates & spreads the calamity, and that when once spread good and temperate men are likely to take the infection." He therefore issued the peremptory command that "every Soldier or Ranger, who shall be found *drunk* or sensibly intoxicated, after the publication of this order, be compelled, as soon as his strength will permit, to dig a grave at a suitable burying place, large enough for his own reception, as such a grave cannot fail soon to be wanted for the drunken man himself, or some drunken companion."<sup>27</sup>

The conditions at Fort Armstrong are indicated in the following description:

The troops were camped in tents in close order exposed for several days to cold rains. The groans and screams of the afflicted, audible to everyone, added to the horror of the scene. In the face of this situation the hearts of the stoutest quailed. Through it all General Scott ministered personally to the wants of the afflicted,

<sup>27</sup> Manuscript copy of Dodge's *Military Order Book*, in possession of The State Historical Society of Iowa; Quaipe's *Chicago and the Old Northwest, 1673-1835*, pp. 331, 377.

officers and privates alike, freely exposing himself to disease and death in the most terrible form, and by his example exciting confidence and courage in all. The ravages of the cholera were finally checked by removing the troops from their camp on Rock Island to small camps on the bluffs on the Iowa side of the Mississippi.<sup>28</sup>

Other expeditions suffered from the same cause. Six companies of regular troops sent west from Fortress Monroe lost half their number.<sup>29</sup> In the South epidemics were also frequent. In 1833 the Secretary of War reported that work on the new barracks at New Orleans had been suspended because of "malignant diseases".<sup>30</sup> Sanitation, indeed, appears to have attracted but little attention from the medical corps at this time.

#### THE TROOPS AND THE INDIANS

The chief reason for the maintenance of troops at these western posts was undoubtedly the protection of the settlers against the Indians. White men were taking up farms on the hunting grounds of the red men and game was driven away. At intervals this pressure upon the Indians became unbearable, and Indian wars like the Winnebago uprising of 1827 and the Black Hawk War of 1832 were the results. These, however, were merely the outward manifestations of the hostility always present between the Indians and the pioneers. The soldiers were there partly to compel the Indians to submit to their destiny, peaceably if possible, forcibly if necessary.

In his report for 1831 Secretary Cass recommended that the Indians be removed to the west of the organized Territories and States and maintained in the land assigned to them; that liquor should be excluded; and that a sufficient military force should be provided to enforce the Federal

<sup>28</sup> Quaipe's *Chicago and the Old Northwest, 1673-1835*, pp. 336, 377.

<sup>29</sup> *Niles' Register*, Vol. 43, p. 172.

<sup>30</sup> *American State Papers, Military Affairs*, Vol. V, p. 183.

laws. Within their own territory, the Indians were to be independent, although they were to be furnished instructors and encouraged to take up property and to engage in agriculture. Already the Shawnees, Senecas, Ottawas, and Maumees of Ohio had promised to move westward and the Wyandots had gone to inspect the land. The Cherokees of Georgia had made a treaty on May 6, 1828, in which they agreed to remove, but it was some years before they finally abandoned their homes.<sup>31</sup>

The year following this report (1832) was marked by the Black Hawk War in the north. The story of this struggle has been told so often that it needs no discussion here. Hostilities between the Menominees and the Sacs and Foxes in the vicinity of Fort Crawford and the occupation of the Indians' cornfields by the settlers at Rock Island had caused threats of war in 1831, but General Gaines succeeded in patching up an agreement. The Sacs promised to remain west of the Mississippi River, the volunteers were disbanded, and the regular troops returned to Jefferson Barracks.<sup>32</sup>

The next year the war broke out in earnest and it required the concentration of troops from several forts, both east and west, to defeat the warriors under Black Hawk. The advantage of trained troops over militia, however brave, was evident in the campaigns in northern Illinois and southern Wisconsin, although the soldiers were greatly terrified by the cholera. None of the regular forts were captured by the Indians, and without them the struggle was hopeless. The five forts within range of Black Hawk's operations, however, were filled with terrified settlers who sought military protection. Even here they momentarily expected an attack. Fort Winnebago was surrounded by

<sup>31</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 715, 716.

<sup>32</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 716, 717.

supposedly friendly Winnebagoes, yet many settlers fled from there to Fort Howard, where they found people scarcely less terrified.<sup>33</sup>

The close of the war saw a great emigration of the Indians. Settlers flocked to the Mississippi River, crossed it, and followed close on the heels of the retreating Indians. The marches of the troops had helped to make known the wonderful fertility of the region and a great wave of immigration was the result.

In the South the Indians were being removed rapidly during the period from 1830 to 1835. In this case, the Indians had to cross, not only the Mississippi River, but a section of country already organized into States or Territories and containing a rapidly growing population. Many of the southern Indians, tired of the struggle against laws which operated always to their disadvantage, had already settled beyond the western boundary of Arkansas. In 1833 these Creeks and Cherokees were reported as being prosperous and as developing agriculture and schools.<sup>34</sup> It was among them that Fort Gibson was located and it was fear or pretended fear of them which influenced the people of Arkansas to demand the reoccupation of Fort Smith, in order that they might have troops between them and the Indians.

During that year about 15,000 Choctaws crossed the Mississippi to new homes on the Arkansas River. In the fall of 1832 some 2200 people of this nation had arrived at Memphis to embark on the steamboat for Rock Roe on the

<sup>33</sup> A description of conditions at Fort Winnebago and Fort Howard is given in Kinzie's *Wau-Bun*, pp. 322-346.

<sup>34</sup> *Niles' Register*, Vol. 43, p. 346.

It was reported that these Indians raised 78,000 bushels of corn in a season. Possibly they were furnishing the troops with supplies, much to the displeasure of the whites, who believed that the troops existed for their advantage and for theirs only.

White River, where the United States officials would meet them with teams and wagons and transport them to their reservation. Every effort was made to convince the Indians and the whites who sympathized with them that those who removed were contented. One of the Choctaws had taken a government contract to furnish supplies. The Secretary of War declared that the land assigned the Indians west of the Mississippi was "fertile, salubrious, and as extensive as they and their descendants for many generations can require. . . . It is fortunate for the Indians themselves, and for the great cause of humanity, that the efforts of the government to persuade them peaceably and voluntarily to remove are every year crowned with more and more success."<sup>35</sup> This concentration of Indians along the Arkansas River explains the number of forts built in this vicinity and the apparently large number of soldiers stationed there, as shown in the table given above.

All along the line the military officers were busy, arranging for the removal of the Indians, keeping settlers off unceded lands, and attempting to enforce the so-called intercourse laws which were intended to regulate trade with the Indians. Owing to the difficulties of interpreting the law of 1816, Congress in 1834 passed a new act designed to settle all disputes. In the first place, it defined the Indian country as "all that part of the United States west of the Mississippi, and not within the states of Missouri and Louisiana, or the territory of Arkansas, and, also, that part of the United States east of the Mississippi river, and not within any state to which the Indian title has not been extinguished".

For purposes of administration, the Indian country west of the Mississippi and north of a line drawn along the

<sup>35</sup> *American State Papers, Military Affairs*, Vol. V, pp. 171, 172; *Niles' Register*, Vol. 43, p. 210.

northern boundary of the Osage country eastward to the boundary of Missouri was attached to the State of Missouri; the region south of this line and extending to the Red River was to belong to Arkansas for the purposes of law-enforcement. The Indian country east of the Mississippi was attached to the State or Territory in which it was situated.

Within this Indian country certain definite regulations applied, and the President was empowered to use military force to compel obedience and to remove intruders. Military officers might give passports to foreigners, permitting them to travel in the Indian country, and any officer might seize liquor intended for the Indians, though supplies of beverages for officers and troops were admitted.

Section twenty-three of this act defined and restricted the powers of military officers on the frontier as follows:

That it shall be lawful for the military force of the United States to be employed in such manner and under such regulations as the president may direct, in the apprehension of every person who shall or may be found in the Indian country, in violation of any of the provisions of this act, and him immediately to convey from said Indian country, in the nearest convenient and safe route, to the civil authority of the territory or judicial district in which said person shall be found, to be proceeded against in due course of law: and also, in the examination and seizure of stores, packages and boats, authorized by the twentieth section of this act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law: *Provided*, That no person apprehended by military force as aforesaid, shall be detained longer than five days after the arrest and before removal.<sup>36</sup>

#### THE SOLDIERS AND THE SETTLERS

The enforcement of the intercourse acts brought the military forces into conflict with the settlers, who were the most

<sup>36</sup> *United States Statutes at Large*, Vol. IV, pp. 729-735; *Niles' Register*, Vol. 46, pp. 373-375.

influential class on the frontier, for they were either voters or prospective voters, while the Indians were not. The pioneers approved of the use of military force against the Indians. In fact they often demanded it to defend the possessions they had taken from the Indians, but whenever the troops were used to protect the Indians from spoliation and robbery, the act was denounced as an outrage.

The frontier courts did not hesitate to give preference to the settlers, and the difficulties of the army officers in applying the Federal laws were somewhat increased by this bias of the judicial authorities. For example, in 1829 Major Stephen W. Kearny of Fort Crawford, at the request of Joseph M. Street, the Winnebago Indian agent, arrested a foreigner by the name of Jean Brunett, who had set out with a party of men to cut timber on an island in the Mississippi River. He was arrested on the ground that he had no right in the Indian country, and was kept in custody for some time. Major Kearny and Mr. Street were later (in 1831) sued for illegal arrest and compelled to pay fines and court expenses to the amount of \$1,374.78 $\frac{3}{4}$ . There appears to have been some dispute as to whether the island was Indian country, but Judge Doty of the Territorial court decided the case against the two officers on the ground that the power to expel intruders was granted to the President by the act of 1816, and that military officers and Indian agents must have specific orders from him. Unless such orders could be produced, the officers had no legal power to arrest a man even though he was a foreigner committing an illegal act. Later, however, Congress reimbursed the two men for the money they had spent. In a case of this kind it is evident that the law was inadequate or else the court was opposed to military authority — probably both.

On the other hand, there was clearly a possibility that military officers might disregard the civil authorities. A



letter from Joseph M. Street to Major David E. Twiggs, written about the time of the former incident, contained the following account:

A few days past a large quantity of walnut plank was seized by me and delivered into the care of Major K. Mr. Lockwood, from Galena, came up; the timber has been claimed, and an attempt to replevy it out of the possession of Major K. The sheriff was *guilty*, [quietly] . . . . walked out of the fort, and no attention paid to his writ. Thus it will remain until the will of the government is known.<sup>37</sup>

The efforts of the army officers to protect the settlers were, of course, much more popular. Although the settlers resented military interference with their business — which was frequently robbing the Indians — they were much in favor of having troops in their locality, as has already been pointed out in the discussion of the location of the forts. In 1835 the people of Clay County, Missouri, sent a memorial to Congress asking for protection. "Situated, as we are, upon the extreme western boundary of the United States, and of Missouri," they declared, "we must necessarily be exposed to depredations from the numerous tribes of Indians, whose proximity renders them a source of increasing solicitude and apprehension to the people of the Missouri frontier." The memorialists requested that a line of forts should be established from the Upper Mississippi to the Red River, each garrisoned by one company of infantry and two companies of dragoons. These posts were to be located as follows: (1) at the Des Moines Rapids of the Mississippi River, (2) at the Raccoon Fork of the Des Moines River, (3) at the point where the northern line of Missouri<sup>38</sup> would strike the Missouri River, (4) at Fort

<sup>37</sup> *American State Papers, Military Affairs*, Vol. V, pp. 9, 10.

<sup>38</sup> At this time the present northwest corner of Missouri was not included in the State. It was formally annexed in 1837.

Leavenworth, (5) at Harmony Mission on the Neosho River below the Osage Agency, (6) at Fort Gibson, (7) between the Arkansas and the Red rivers, and (8) on the Red River. This would have resulted in strengthening the line in the north central part. These forts would have been from one hundred to one hundred and twenty miles apart, twenty or thirty miles from the settlements, and were to have been connected by military roads, which the settlers insisted ought to be patrolled by the dragoons. This service would be much more valuable, they urged, than the expeditions to the Rockies, where they were "of no earthly service to the government". It was also suggested that the troops ought to be removed from Jefferson Barracks, which was no longer on the frontier.<sup>39</sup>

As examples of the work of the soldiers along the frontier, a few cases may be briefly mentioned. In 1830 troops were sent to Prairie du Chien to prevent intertribal wars and to remove the white intruders at Dubuque's Mines. The officer at Fort Gibson was ordered to pacify the Arkansas Indians, if he had to use force to do so, and two companies of infantry from Jefferson Barracks were ordered to the Choctaw territory on the Red River to preserve order. An additional danger, at times, threatened the southern frontier. It was feared that the colored people would revolt and frequent requests were made for troops to guard against this danger, though no such event occurred along the Mississippi River.<sup>40</sup>

#### EXPEDITIONS AND WORK OF TROOPS

It has already been explained that mobility was the quality most necessary in frontier troops. In times of peace they were employed in work on the fort buildings and on

<sup>39</sup> *American State Papers, Military Affairs*, Vol. V, pp. 729, 730.

<sup>40</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 588, 589, 717.

military roads, or in making expeditions into the country west of the white settlements in order to demonstrate to the Indians the number and efficiency of the white soldiers. In order to concentrate troops at points where there was most danger of hostilities, the garrisons were shifted from place to place, although it appears that the number of men at the western posts between 1830 and 1835 was approximately the same for each of the years during the period.

In 1831 Fort Dearborn was entirely abandoned and the two companies of the fifth infantry from there were sent to Fort Howard to relieve the four companies of the same regiment stationed at that point. These, in turn, were ordered to Fort Winnebago, the garrison of which was sent to Prairie du Chien. This not only strengthened Fort Crawford where the danger was greatest, but the movement of the troops from fort to fort, formed a sort of military parade along the whole northern frontier. At the same time the entire seventh regiment was stationed at Fort Gibson, and the third regiment was sent to garrison the posts on the Red River, including the new post on the Kiamichie, where four companies were located.<sup>41</sup>

The purpose of this arrangement in the south is stated as follows in the words of the Secretary of War in his report for 1831:

The positions of the 3d and 7th regiments are favorable to the affording of facilities to the Indians emigrating, under the provisions of the acts of Congress, to the country marked out for them west of the boundary of the Territory of Arkansas, and at the same time to the protection of them in their new abodes from the attacks of unfriendly tribes, and those wild hordes with whom they are as yet unacquainted. The troops there stationed will also, by their presence and force, exert a beneficial influence over the conduct of the various tribes, and be instrumental in maintaining harmony and peace among them.<sup>42</sup>

<sup>41</sup> *American State Papers, Military Affairs*, Vol. IV, p. 717.

<sup>42</sup> *American State Papers, Military Affairs*, Vol. IV, p. 717.

Less than a year after the abandonment of Fort Dearborn a garrison was reestablished at that post, Major Whistler being ordered from Fort Niagara to Chicago with two companies of the second infantry. He arrived in June, 1832, in time to take part in the Black Hawk War, and for the third time Fort Dearborn was occupied by troops.<sup>43</sup>

These strictly military expeditions, however, did not constitute by any means the entire activities of the frontier troops. In June, 1832, just at the outbreak of the Indian war, Lieutenant James Allen, with a corporal and nine men, was detailed from Fort Brady in Michigan Territory to accompany Henry R. Schoolcraft on an expedition to the region at the source of the Mississippi River. Schoolcraft had been sent to vaccinate the Indians and to make scientific investigations. Lieutenant Allen made a report of the expedition to the War Department, giving descriptions of the country, the people, and its topography, including a map of the route and the surrounding country.<sup>44</sup>

The most important expeditions made during this period were those by Colonel Henry Dodge with his rangers and dragoons. The first expedition of the new regiment was in 1833, when Colonel Dodge made a circuit in the Winnebago country, recovered eight prisoners who had escaped at the beginning of the war, and removed the Winnebagoes across the Wisconsin River, from the lands ceded at the treaty made in 1832 at Rock Island. Colonel Dodge made a speech to the Indians at Fort Winnebago, and on June 22, 1833, he was answered by Whirling Thunder, a Winnebago chief, who said in part: "I have taken my foot from off your land: I will not put it down there again;— we will remain

<sup>43</sup> Quaife's *Chicago and the Old Northwest, 1673-1835*, p. 327.

<sup>44</sup> *American State Papers, Military Affairs*, Vol. V, pp. 312-344. The report and journal of the expedition were submitted to General Macomb on November 25, 1833.

on our own ground — we hope that you will remain on yours.”<sup>45</sup>

The following year Colonel Dodge, then in command of the dragoons, made a long march towards the Platte River. Five companies of dragoons had been marched to Fort Gibson in the fall of 1833, and the following spring the remaining five companies were moved from Jefferson Barracks to Camp Jackson, a short distance from Fort Gibson. It was from this place that the expedition, consisting of nine companies of dragoons containing about five hundred men, set out. Colonel Dodge was accompanied by Lieutenant Colonel Stephen W. Kearny and Major R. B. Mason as subordinate officers.

The line of march took them to Fort Leavenworth, where one hundred and ninety-five men were left. The remainder of the command continued the march through the hot summer days over the treeless prairies, until on July 20, 1834, they reached the Pawnee village. After a conference with the natives and a short rest, the expedition returned, arriving at Fort Gibson on August 15, 1834, having been absent just two months.<sup>46</sup>

This expedition, difficult as it was, was surpassed by one made the year following. Leaving Fort Leavenworth on May 29, 1835, with three companies of dragoons, Colonel Dodge marched northwestward along the west bank of the Missouri River to the Platte River, then along the south bank of this stream. After following the south fork of the Platte to a point near its source, the dragoons made a detour southward and began their return. They had reached a point not far from Pike's Peak. The return journey fol-

<sup>45</sup> *Niles' Register*, Vol. 45, p. 10.

For a complete account of Colonel Dodge's expeditions see Pelzer's *Henry Dodge*, pp. 67-127.

<sup>46</sup> *American State Papers, Military Affairs*, Vol. V, pp. 373-382; Pelzer's *Henry Dodge*, pp. 94-112.

lowed the Santa Fe road for the most part and on September 16th the exhausted men and horses again reached Fort Leavenworth.<sup>47</sup>

The military expeditions and the necessity of transferring men rapidly from one post to another brought the question of roads before the War Department. There was, of course, no possibility of providing roads for such an expedition as the last one made by Colonel Dodge, but along the military frontier held by the forts there was need of communication. In this respect, the forts may be considered in two groups: first those in the North, from Fort Howard to Prairie du Chien; and secondly those in the South, including Jefferson Barracks and the line of forts along the boundary of Arkansas Territory. The Mississippi River furnished a means of transportation through the region lying between these two groups of forts.

The roads on the western frontier, which had already been constructed by 1830, are indicated in Table II (see p. 423).

By 1830 there had been constructed in the western part of the United States, beyond the closely settled districts, some 1333 miles of what were termed military roads, of which 1204 had been constructed by the labor of the soldiers. As a rule, only the most necessary work, such as cutting away trees and perhaps bridging streams, was performed.

The cost of these roads can not be easily estimated, since the work was partly done by the soldiers, who usually received extra pay for such duty, and partly by civilian employees. For the first three quarters of the year 1830, the

<sup>47</sup> Pelzer's *Henry Dodge*, pp. 113-127; map in the report on *Regulating the Indian Department*, May 20, 1834, in *House Reports*, 1st Sess., 23rd Cong., No. 474.

TABLE II  
ROADS IN THE WEST IN 1830

Location	Length	Part by Army	Dates	By what Authority	Cost (if given)
Madisonville, Louisiana, to a point 21 miles north of Muscle Shoals crossing on the Tennessee River	392	392	1817-1820	Act of Congress, April 27, 1816, and by order of War Department	
From Bay of St. Louis in Mississippi to intersect the above road	48	48	1818-1819	Order Major General Ripley of 8th military department	
Council Bluffs to the Grand River in Missouri	300	300	1820	By order of Brigadier General Atkinson	
Little Rock, Arkansas, to Fort Gibson	208	82	May-December, 1827	Act of Congress, March 3, 1825	\$10,741.74
Fort Towson to northern boundary of Louisiana	168	168	October, 1827, to March, 1828	Act of Congress, March 3, 1827	\$11,999.46
Northern boundary of Louisiana to Natchitoches	94	94	1827-1828	Order of War Department	
Fort Smith to Fort Towson	123	20	Begun 1828 Unfinished	Act of Congress, March 3, 1827	\$881.26 <sup>48</sup>

extra pay given the troops for road building and other forms of labor amounted to \$13,787.54.<sup>49</sup>

During the period from 1830 to 1835 there occurred events which emphasized the need of roads, especially in the northwest. The regular and militia officers who led their men through the timber and prairies of southern Wisconsin and northern Illinois, realized as many of them had not done before the convenience of established highways.

<sup>48</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 626, 627.

<sup>49</sup> *American State Papers, Military Affairs*, Vol. IV, p. 629.

The Quarter-Master General discussed this matter in his report for 1832. "The difficulties experienced in the recent operations against the Indians in the movement of troops and the transportation of supplies", he declared, "prove the necessity of several good roads to intersect the extensive territory lying between the frontier settlements of Indiana and Illinois, Lake Michigan, and the Fox and Wisconsin rivers; and I respectfully recommend, as a most important measure for the protection and defence of the northwestern frontier, that roads be authorized from Chicago to Galena, from Chicago to Fort Winnebago, and from the latter to Galena, as well as from some suitable points on the Illinois river to Chicago, and to intersect the road thence to Galena."<sup>50</sup>

Congress had already — on December 22, 1831 — made provision for an open road from Fort Howard to Prairie du Chien, but work was not begun until later.

The officers of Fort Winnebago, realizing their isolated position, sent the following petition to the Secretary of War:

SIR: The undersigned officers of the United States army, stationed at Fort Winnebago, near the Fox and Wisconsin rivers, taking into consideration the great difficulties which exist at all times in the navigation of these rivers, and more particularly at low stages of water, and at the close of the season, as the fall supplies do not arrive either at Green Bay or Prairie du Chien in sufficient season to be transported up either of the rivers in boats, owing, as before stated, to the natural obstruction to navigation, are induced to trespass upon the honorable Secretary this representation, with a view of inviting the attention of the honorable representatives of the United States Congress to take into consideration the propriety of making an appropriation of a few thousand dollars for the purpose of repairing a road from Green Bay to a place called the Blue Mounds, in the Territory of Michigan, a dis-

<sup>50</sup> *American State Papers, Military Affairs*, Vol. V, p. 41.



tance of about 160 or 170 miles. A great proportion of this road requiring not the improvement of art, it being over a smooth and dry prairie country, the labor would be principally in the erection of a few short bridges, and making causeways over a few narrow swampy places. The undersigned are further influenced in making this appeal in the belief that facilities are necessary to be given for the transmission of military supplies, and also for the purpose of keeping up a lively intercourse between the military posts on this northwestern border.<sup>51</sup>

In 1832 instructions were given by the War Department for the survey of this road. The task was begun on October 21, 1832, by Lieutenant Center, and in 1835 he and T. D. Doty reported that the survey had been completed. It was estimated that this road would be about one hundred miles shorter than the water route between Fort Howard and Fort Crawford, which was variously estimated at from three hundred to three hundred and sixty miles, and often required twenty days for the trip.<sup>52</sup>

The road as laid out by the two surveyors, ran almost parallel to the natural boundary between the Menominee and Winnebago Indians — the water route between Fort Howard and Fort Crawford. From Green Bay to Fort Winnebago, it was laid out through the woods and required considerable labor in cutting trees and bridging streams. But from Fort Winnebago to Fort Crawford it ran through prairie country and for the most part was simply marked out by parallel furrows. Wherever necessary streams were to be bridged, but little more than this was required. Part of the work had already been done by the New York Indians on their way to the new reservation.<sup>53</sup>

In the South some road building was also carried on. By

<sup>51</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 815, 850.

<sup>52</sup> *American State Papers, Military Affairs*, Vol. IV, pp. 815, 816, Vol. V, pp. 41, 512, 513.

<sup>53</sup> *American State Papers, Military Affairs*, Vol. V, p. 512.

August 1, 1832, a road from Washington to Jackson in Arkansas Territory was completed under the charge of Lieutenant Collins. The following year, it was extended further westward, with a view to running it to the frontier if sufficient appropriations could be secured.<sup>54</sup>

One reason for the comparatively few military roads constructed was the rapidity of settlement. By the time a road was proposed, money appropriated for it and a survey made, the country was occupied by settlers and the usual roads laid out. Nevertheless, the military roads proved of great value, both to the pioneers and to the soldiers.

Besides laying out these roads, the troops performed other constructive work. For example, in 1830 military engineers surveyed a route for a canal from Chicago to the Illinois River, though the work was never undertaken. Then too, the soldiers did much of the work in building their own barracks at the posts. In 1832 the Quarter-Master General reported that, owing to the employment of the troops against the Indians, it would require \$8000 to complete the barracks at Fort Crawford, \$10,000 at Fort Howard, and \$25,000 at Baton Rouge.<sup>55</sup>

#### CONCLUSION

Thus the handful of men, usually numbering between two and three thousand, were kept at work on a frontier some 1500 miles in length. It can not be said that they conquered the Indian country, for it was usually difficult for the army to keep in line with the settlements. The peculiar feature of this western frontier was the rapid growth of settlements. It was the duty of the army to assist in regulating this growth, and this duty was performed as well, perhaps, as could have been expected in a country so vast in extent

<sup>54</sup> *American State Papers, Military Affairs*, Vol. V, pp. 41, 183.

<sup>55</sup> *American State Papers, Military Affairs*, Vol. IV, p. 596, Vol. V, p. 42.

and occupied by people so independent and self-assertive as were the white settlers. It was, in fact, simply a system of police with headquarters at the various forts, from which companies were sent out to punish or protect as the occasion might require.

It is perhaps due partly to the dislike of Americans for military authority and partly to the small number of troops employed at almost all times along the western frontier, that the military has had so little part in determining the character of that part of the United States still in a formative and plastic state, which has always been the condition characterizing the frontier in America. The army was the most conservative element along the line where whites and Indians met, and it served for the most part only to fix what had been accomplished by traders, miners, and farmers. The most permanent and perhaps the most important result of the existence of this military frontier was the influence of the forts on the settlements, each acting to some extent as a magnet drawing settlers to that particular vicinity. A few cabins and stores were usually found clustered around the military post, which for the time represented order and safety, although not all of these old forts became centers of population. Among those which became the sites of cities were Fort Snelling, Fort Armstrong, Jefferson Barracks, and Fort Dearborn. Rock Island has become the site of a government arsenal with thriving cities on either side. Fort Sheridan is near the location of old Fort Dearborn, and the buildings of the modern Fort Snelling stand near the old stone block house which belonged to the old fort. Fort Leavenworth also has been in almost continuous service since its founding in 1827. The Indians, however, have departed and the military centers in the Mississippi Valley are no longer frontier posts, but training centers for troops

raised in the middle west, or reserve posts for the regular army. It is a significant proof of the development of this territory that the training camp for reserve officers opened at Fort Snelling in May, 1917, provided for more men than the entire western army contained during most of the period from 1830 to 1835.

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THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## COUNCIL WITH THE SAC AND FOX INDIANS IN 1840

[The following account of a council between Governor Robert Lucas of the Territory of Iowa and a number of chiefs of the Sac and Fox Indians is copied verbatim from the *Hawk-Eye and Iowa Patriot* (Burlington), Thursday, January 30, 1840. The council was held at Burlington on January 23 and 24, 1840, chiefly for the purpose of hearing certain complaints of the Indians concerning the payment of annuities. No treaty was made, nor was there any discussion of a cession of land.—EDITOR]

Below will be found in detail an account of the council which was held in this place on Thursday and Friday last. There were about fifty Indians, most of whom presented a noble appearance. Although not a chief, young Black Hawk appeared to be *the* chief among this nobility. When he stood up to speak of the desecration of his father's sepulchre—as he told of the white man coming to that sepulchre and stealthily removing his father's head in the summer, and coming again to take away the remainder of his body at another time, we imagined him to be a complete personification of Grief, telling to a sympathizing audience his tale of woe. The recital of this sacrilegious act, sent a thrill of horror through the whole assembly, which was very large and respectable. When he learned that this was an offence against our laws, and that the perpetrators would be severely punished if detected, he seemed satisfied. We think the public sentiment of this Territory, would authorize the Governor to offer a large reward for the apprehension of the monster who committed this inhuman act, and he ought to do it.

We fear that some interested persons have been imposing upon the Indians in making them think that General Street

is linked in with Keokuk and others, in defrauding the Indians. We have reason to think this, because we have known General Street for many years, and believe him to be incapable of injuring the red men. While other Indian agents have by some means or other become rich, Gen. S. has remained comparatively poor, and we do not believe that he has ever applied any thing but his regular salary to his own private use. We know that the interest he has always manifested in behalf of the Indians and the pains he has taken to expose the frauds practised upon them by traders and others, have rendered him an object of hate to many of these Indian speculators.

These Indians will continue to be imposed upon until some of their own number become acquainted with our language: An effort should be made immediately to enlighten them. We believe if the traders and interpreters would not stand in the way, they would gladly permit a teacher to come among them. We would be willing to contribute liberally towards establishing a good school in their nation, and we believe that funds would not be wanting among the benevolent for the establishment of such an institution. We at least owe them this.

At the council the Governor addressed them as follows:

MY CHILDREN:— When I met with you at the village last spring, I told you my ear was open at all times to listen to your complaints, and that I would always be ready to make such representations to your great father the President as you might wish to communicate through me. I am now ready to hear any communication you have to make. Any grievances you wish me to lay before your great father, the President, I will now hear them. If you wish any information, or if you wish to make any inquiry, I will listen and answer you promptly.

WISHELAMAQUA or Hardfish rose and said he was very well pleased with what he had told them at the village in the spring — he opened their ears a little and they were pleased. He said those that were with him did not know about the business of the money — how it was appropriated — their women and children were destitute and bad off, and they wanted them fixed better. Their chiefs, meaning Keokuk, Appanoose, Wapello and Poweshiek, do what they don't understand, and that is the reason of their coming. He said he was not well, but the other men would speak — he said he was not able to speak himself.

WAPAKSHEEK, the Prophet, said they were all very glad to see their father to-day, and to know that they were not forgotten. He knew, (pointing upward) that their Great Father above had not forgotten them. Those with him know that they are bad off — they will tell the truth — all the men and women around can hear. He said those with him were all braves. What had been said was the truth. One of the interpreters informed the audience that these were the only chiefs. They did not acknowledge Keokuk, or any other to be their chief.

KEKANWENA next spoke. You have heard what the chiefs have said — now hear me. We have not forgotten what the Governor told us in the spring, when he visited our village. That was the cause of their being here now. He said their agent was not fit to do business — they could not get him to write for them. (It is well known that their agent has been very sick for some time past, and it was probably on this account that he could not write for them.) He said they had not forgotten what the Governor said to them. These, said he, are our only chiefs, (pointing to Hardfish and the Prophet) — we know no other. We have been cheated out of our money — we wish the money of our annuities equally

divided. He stated that he had no more to say and what he had said was the voice of all and that he was nothing but a brave.

WAHATAQUAKA said that they were all very glad to have their ears opened. When they started it was very cold, but cold or warm, they determined to come. They had been blind — they did not know what became of their money — they think that General Street has been a great cause of making them blind with the other chiefs. These are their chiefs, meaning Hardfish and the Prophet, they wish to have them and no others. The other chiefs, Keokuk, &c. have done wrong. Hardfish and the Prophet want each one of the tribe to have a share of the money — this is the mind of all his friends.

Nashe-as-kuk, son to the late Black Hawk, said that he was well pleased with what had been said by his friends. Our children and families are poor and suffering, and that is what brought us here. The other chiefs have kept them blinded. He and his friends wish their money divided. They called Keokuk and his coadjutors the money chiefs.

Hardfish said he had forgotten to say one thing, and that was that the traders charge too much and get all their money.

Gov. LUCAS said in reply

My children, I have listened and will communicate what you have said to your great father, the President. In regard to your chiefs and yourself you must arrange that among yourselves. Concerning the annuity whether it shall be paid to the chiefs or to each family, it shall be paid according to your wishes. It will be so arranged that each one will receive his equal proportion. In regard to their objections against Gen. Street their agent, the Governor assured them they must be mistaken. He had frequent



correspondence with him and knew his feeling towards them and that he wished to promote their welfare. The Governor explained to them the object of the government in withholding \$5,000 from their annuity. He told them that it was invested in stock, the interest of which was to be appropriated in establishing schools among them. With this information they seemed dissatisfied—they wanted the money among themselves. We feared that the Interpreter did not make them fully understand the benevolent object of the government in this matter.

In order to secure them from being defrauded hereafter it was in contemplation to employ a book-keeper, who would note down the prices of each article purchased by them. They seemed pleased at this idea, but appeared very inquisitive to know who was to pay him. The Governor told them that it was not the wish of the President that they should go to Washington. If they wish to sell their lands, agents will be appointed so that the treaty may be made on their own ground. They replied that they did not wish to sell any more lands—that that they now owned was very small compared to what they once had. In regard to straightening the line they said they did not want it straightened, and as [the] Government had made it crooked let it remain so. They do not want their money chiefs to sell the land—it is too small now. In reply to a statement made by the Governor that the President would not wish to buy unless they would sell all, they shrewdly said they were very glad to hear that the President did not wish to buy—the land is there—it will remain—it is not going to run away—when they all get ready to sell it will be time enough. When the governor informed them of the designs of some wicked men to entrap some of their nation and take them to Europe for exhibition for the purpose of making money, they all laughed heartily at the idea.

As it was getting late they expressed a wish to have another interview with the Governor on the next day, as they had something farther to communicate.

On Friday they met again when Wishelamaqua or Hardfish stated that when the Mohawk prisoners were sent home last season, intelligence was sent to the Pottowatomies, Omahas and other tribes not to come on their lands. They made a mistake when they killed the Winnebagoes — they supposed them Sioux. They wanted to inform the governor of this, that it might be set right. They came here to learn what the Winnebagoes had said concerning it, and wished to know all about it.

Kekanawena then said, you have heard what our chief says, that we wish to settle this Winnebago affair. In the spring, we heard with our ears what the Governor said, and we have now come here.— This is the mind of us all. We have come here to have things rightly represented to the government, and wish the governor would favor us by representing things for us. When we found the Winnebagoes, we thought it was a skin camp, and that they were Sioux. We tell this because we wish it to be known at Washington, that it was done through mistake. We didn't know what people it was that we were attacking. We wish the Governor to represent this at Washington.

Wishelamaqua again.— We are very glad to see that you write down what we say. We think it best to let our brothers the Winnebagoes know that we wish to settle this thing as soon as possible.— We wish to go and hold a council with our brothers the Winnebagoes, after you have made known to them our minds about it.

The interpreter then said they wished to be informed about the pattern farm.— They wished to know what it was meant for — they did not understand it. They think that they are not to have any good of it. They said all that they

had heard about it was, that the money was paid for it out of their annuities, and that it was meant only for them to look at. They didn't want to look at it. If they have to pay for it, they wish it to be stopped, and that they should have the money. The Governor, supposing they referred to the other farms at the villages, explained in a few words the intention of them. They answered, we know all about the two farms at the villages, but the pattern farm we don't understand. We want to know about that. The Governor explained to them as well as he could, its intention.— They said they didn't want it to go on; they had rather have the money.

Nash-e-as-kuk, son of the late Black Hawk then said — I wish to speak to you about the white people; to let you know that the white people have taken away my father's remains from the grave. I don't like it, and there is not any one of my father's family that likes it. We did not think any white man would be guilty of this. They came in the summer and took away his head, and they have come since in the fall, and taken away his body. We wish the Governor to try to find out who has done it.

The Governor explained to him that such an act was an offence against our law, and punishable by a heavy penalty. And that if the person could be found out who had done it, he would be punished. There was no difference between taking the body of a white man and an Indian known to the law, and that he would be punished, if known.

Kekanawena.— You have heard what the chiefs have said. In 1837, when the chiefs went to Washington, I was there — I listened to what the commissioner said. He told us that if we could not make peace with the Sioux, as we tried to do, and if we caught them on our lands, stealing or killing game, that we might kill them. He said our country was small, and there was but little game on it; and if we

should be intruded on by the Sioux, we might keep them off. This was the reason we attacked our brothers, the Winnebagoes. It was by mistake. We had smoked the pipe with them but a short time before, and were friends. We wish to make atonement to our brothers the Winnebagoes; and we will give up the \$5,000 of our annuities, that has been kept back by the government, to be paid to them to make amends for this. We are pleased with your advice, and wish to make peace with our brothers the Winnebagoes. We wish that you would write to our brothers the Winnebagoes what has been said by us.

The Governor had advised them to make peace with the Winnebagoes, and informed them that if they satisfied the Winnebagoes the government would be satisfied. He promised to comply with their request and write to the agent of the Winnebagoes.

After the above conference, the meeting adjourned until the afternoon, when the Indians amused a very crowded audience for about two hours in performing religious and war dances. During these exercises the Indians were almost naked and their bodies painted with various colors made them appear quite terrific. The way they *did* cut capers was quite a curiosity. Our worthy Governor appeared to be the chief manager of this *unique* ball, assisted by the two interpreters.

After the dancing a contribution was taken up in behalf of the Indians. Throughout the whole ceremony Hardfish and young Black Hawk stood in all their native dignity as silent spectators of the scene. They never appeared more noble or to better advantage. The latter looked remarkably sedate and his features bore the marks of apparent grief, probably occasioned by the wrongs he has received from the white man. It is said that young Black Hawk is opposed to Whiskey, war, and dancing.

## SOME PUBLICATIONS

*Early Narratives of the Northwest 1634-1699.* Edited by LOUISE PHELPS KELLOGG, Ph. D. New York: Charles Scribner's Sons. 1917. Pp. xiv, 382. Plate, maps. This is a volume in the series of *Original Narratives of Early American History*, published under the auspices of the American Historical Association. Beginning with Father Vimont's account of Jean Nicolet's exploration of 1634, the volume contains the original narrative of the journey of Raymbault and Jogues to Sault Ste. Marie, Radisson's account of his third journey, the story of the adventures of Nicolas Perrot by La Potherie, the accounts of Father Allouez's journeys between 1665 and 1670, the record of the journey of Dollier and Galinée, an account of St. Lussou's pageant at Sault Ste. Marie, Marquette's journals of the Mississippi voyage of 1673 and of his last journey into Illinois, Tonty's memoir on La Salle's discoveries, Duluth's memoir on the Sioux country, and the story of St. Cosme's voyage of 1698-1699 under the guidance of Tonty.

The work is carefully edited and is provided with an excellent index. It is a source-book which will prove very useful in the teaching of western history. Fortunately, also, the narratives are, as the editor states, "full of the charm of brave deeds, of heroic endurance, of abiding enthusiasms, and of famous achievements." They make good reading.

*Economic and Social Beginnings of Michigan: A Study in the Settlement of the Lower Peninsula During the Territorial Period 1805-1837.* By GEORGE NEWMAN FULLER, Ph. D. Lansing: Wynkoop, Hallenbeck, Crawford Co. 1916. Pp. lxxii, 630. Portraits, plates, maps. The opening pages of this volume contain an elaborate table of contents, covering thirty-one pages; and plates illustrating the early counties, townships, and towns of Michigan Territory.

The first chapter is devoted to physical conditions, such as geographic location, climate, geology, soils, topography, the rivers, the Great Lakes, the inland lakes, the flora and fauna, and the relation of settlements to density of forests. Chapter two deals with such general influences as the War of 1812, unfavorable reports of Michigan lands, favorable reports, relations with the Indians, the public lands, improvements in transportation, extension of popular government, and small educational advantages. The eastern shore, the first inland counties, the St. Joseph valley and the Chicago road, the Kalamazoo valley and the Territorial road, the Saginaw country, and the Grand River region are the subjects treated in chapters three to eight, inclusive. In chapter nine there is a study of the sources and character of the population. The tenth and concluding chapter deals with the preliminaries to American settlement in Michigan; the chief causes influencing the rate of settlement; the population; the process of settlement; the rate, distribution and amount of areal settlement; the centralization of population; the individuality of centers of population; and economic classes.

The character of the work is well illustrated by this summary of the contents. Copious references to sources are printed at the bottom of the pages in unusually large type which facilitates the reading of the additional information which many of them contain. There is a good index. Altogether the volume is an excellent contribution to the history of the State and of the Old Northwest.

*Three Years Among the Indians and Mexicans.* By General Thomas James of Monroe County, Illinois. Edited, with notes and biographical sketches, by WALTER B. DOUGLAS. St. Louis: Missouri Historical Society. 1916. Pp. 316. Portraits, map. This narrative was originally printed at Waterloo, Illinois, in 1846. Copies are now extremely rare, for the reason that almost immediately after its publication the book was suppressed because of its unjust criticisms of many people who were held in high respect.

The author of the narrative was born in Maryland in 1782, and migrated to Missouri in 1807. "By a plain, unvarnished tale of Western life, of perils and of hardships," he says in the first pages of his book, "I hope to amuse the reader who delights in accounts

of wild adventure, though found out of the pages of a novel and possessing no attraction but their unadorned truthfulness. . . . If my reminiscences, as recorded in the following pages, serve to awaken my countrymen of the West and Southwest, now thank God, including Texas, to the importance of peaceful and friendly relations with the most powerful tribe of Indians on the continent, the Camanches, I shall not regard the labor of preparing these sheets as bestowed in vain." The first two chapters tell of the author's experiences in the fur trade on the Upper Missouri in 1809 and 1810; while the five remaining chapters contain a very entertaining account of his adventures in the Southwest from 1821 to 1824.

Thomas James, it should be noted, later served as a major in the Black Hawk War. "I would mention my agency in the Black Hawk War of eighteen hundred and thirty-two, in which I served as Major," he says, "were it not a war in which no honor was gained by any one; and the history of which, for the credit of the country, ought never to be written."

Besides numerous valuable footnotes by the editor, the volume contains in appendices a number of important documents and other data bearing on the period covered by James's narrative. The book is handsomely printed and bound.

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The seventh volume of the *Ecclesiastical Records of the State of New York*, published by the University of the State of New York, consists of an index prepared by E. T. Corwin.

*The Emergency Army Law and the Citizen*, by William B. McCormick; *America's War Taxes*, by Charles F. Speare; and *Bureaucracy and Food Control*, by William C. Edgar, are articles in the June number of *The American Review of Reviews*.

An unsigned article on *The Columbus Raid* appears in the *Journal of the United States Cavalry Association* for April. *Some Extracts from a Regimental Scrap Book*, by Sev. H. Middagh, tell of service on the Rio Grande from 1855 to 1861. *With the Apache Scouts in Mexico*, by James A. Shannon, is another contribution.

*Remarks on American Indian Languages: A Study in Method* is the subject of an article by Truman Michelson which has been reprinted from the April number of the *Journal of the Washington Academy of Sciences*.

*Financing the War*, by Charles J. Bullock; *International Trade under Depreciated Paper*, by F. W. Taussig; *The Literacy Test and its Making*, by Henry Pratt Fairchild; and *Coöperation among the Mormons*, by Hamilton Gardner, are articles in the May number of *The Quarterly Journal of Economics*.

*Bibliography Bulletin* 59 published by the New York State Library consists of a list of *Official Publications of the State of New York Relating to its History as Colony and State*, compiled by Alice Louise Jewett.

*The Perils of the Peyote Poison*, by Arthur C. Parker; *The Red Man's Love of Mother Earth*, by Gawaso Wanneh; *Wanted: To Save the Babies*, by Grace Coolidge; *Hosquasagada — Charles Doxon*, by Mabel Powers; and *In Governing the Indian, Use the Indian*, by John M. Oskison, are articles in the January-March number of *The American Indian Magazine*.

Among the articles in the May number of *The Geographical Review* are the following: *Early Exploration of the Churchill River*, by J. B. Tyrrell; and *The History of the Forty-ninth Parallel Survey West of the Rocky Mountains*, by Otto Klotz.

*The Perry's Victory Centenary* is the title of a large volume containing the report of the Perry's Victory Centennial Commission of the State of New York, compiled by George D. Emerson.

Two contributions in *The Journal of Negro History* for April are: *The Development of the Slave Status in American Democracy*, by John M. Mecklin; and *John Woolman's Efforts in Behalf of Freedom*, by G. David Houston. Under the head of "Documents" will be found some *Observations on the Negroes of Louisiana*.

*Legislative Bulletin*, No. 42, published by the University of the State of New York, contains a study of *Property Exempt from Taxation in the Forty-eight States*, by William E. Hannan.



*The British Labor Movement and the War*, by A. W. Humphrey; *The Secret Sitting of the House of Commons*, by C. P. Ilbert; and *The Uprising against the East India Company*, by A. M. Schlesinger, are articles in the March number of the *Political Science Quarterly*.

Among the articles in *The South Atlantic Quarterly* for April are the following: *My Recollections of William Garrott Brown*, by John Spencer Bassett; *American Trade-Promoting Activities*, by Paul S. Peirce; *The Telegraph in the South, 1845-1850*, by R. S. Cotterill; and *The Private Coinage of Gold Tokens in the South and West*, by B. W. Barnard.

*The Development of the Power of the State Executive, with Special Reference to the State of New York*, is the title of a monograph by Margaret C. Alexander, which appears in the April number of the *Smith College Studies in History*.

A. L. Conger and R. M. Johnston are the writers of an article on *A Prospective Theory of the Conduct of War* which occupies first place in *The Military Historian and Economist* for April. R. A. Newhall writes on *Discipline in an English Army of the Fifteenth Century*. William E. Lingelbach discusses *England and Neutral Trade*. There is also a brief note on *The Passing of Admiral Dewey*.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* consists of a monograph on *The Organizability of Labor*, by William O. Weyforth. The nine chapters deal with methods and agencies of organizing, overcoming employers' opposition, maintenance of stability, the management of the union, the employees in the trade or industry, the small business, trusts and employers' associations, the technical nature of the trade, and general economic conditions and public opinion.

*Stabilizing Industrial Employment* is the general topic of discussion in the May number of *The Annals of the American Academy of Political and Social Science*. In the supplement to this number there is a parallel column arrangement of *The Mexican*

*Constitution of 1917 Compared with the Constitution of 1857*, translated by H. N. Branch.

*Thirty-seven Years of Holland-American Relations 1803 to 1840*, by Peter Hoekstra, is a doctor's thesis presented at the University of Pennsylvania. A period of prosperity for the American trader, a period of experimentation and uncertainty, the crisis of 1810 and its results, the re-opening of diplomatic relations, the spoliation claims against Holland, the establishment of trade relations with Holland on a basis of partial reciprocity, the dispute regarding discriminating duties, and the conclusion of a commercial treaty are the subjects discussed in the various chapters.

*The Arrangement of the Law*, by Henry T. Terry; and *Jurisdiction of Causes of Action Arising under the Act to Regulate Commerce*, by Henry Hull, are articles in the April number of the *Columbia Law Review*. The article by Mr. Terry is continued in the May number, where there is also a discussion of the *Reasonable Use of One's Own Property as a Justification of Damage to a Neighbor*, by Jeremiah Smith. Two contributions in the June number are: *Railway Strikes and the Constitution*, by Arthur A. Ballantine; and *A New Scheme of Reorganization*, by James N. Rosenberg.

Articles which appear in *The American Political Science Review* for May are the following: *Pan-American Coöperation in Pan-American Affairs*, by F. Alfonso Pezet; *The Monroe Doctrine and the Government of Chile*, by Carlos Castro-Ruiz; *Lending our Financial Machinery to Latin America*, by F. C. Schwedtman; *Four Years of Congress*, by James Miller Leake; and *Woman Suffrage in Parliament: A Test for Cabinet Autocracy*, by Evans Clark. The *Legislative Notes and Reviews*, edited by John A. Lapp, deal with the Illinois administrative code, constitutional conventions, absent voting, and the short ballot. Among the *News and Notes*, edited by Frederic A. Ogg, will be found short discussions of the newer federal commissions, the Porto Rico civil government act, the Mexican Constitution of 1917, parties and the Cabinet System in Japan, and the antecedents of the Russian Revolution. Under the heading of *Notes on International Affairs*, Charles G. Fenwick contributes

notes on the freedom of the seas, the status of armed neutrality, armed merchantmen, the Yarrowdale Case, volunteer navies, and the conviction of Frantz Bopp.

## WESTERN AMERICANA

*The Pageant of Indiana*, by William Chauncey Langdon, performed in October, 1916, as a part of the celebration of the Indiana centennial, has been published as a booklet of eighty pages.

Two recent numbers of the *University of California Publications in American Archaeology and Ethnology* are monographs on *Miwok Myths*, by Edward Winslow Gifford; and *California Kinship Systems*, by A. L. Kroeber.

*The Library in Two Tenses*, by Carolyn McNutt, is an article in the April number of *The Graduate Magazine of the University of Kansas*.

Volume one, number three of the *Manuscripts and Records from the Burton Historical Collection*, edited by M. Agnes Burton, is devoted chiefly to letters from the correspondence of William Henry Harrison relating to the early history of Indiana.

Among the articles in *The Quarterly Journal of the University of North Dakota* is one on *The Geological History of North Dakota*, by Arthur Gray Leonard.

A paper on *Frederick Ferdinand Low, Ninth Governor of California*, by Eli T. Shepard; and a discussion of *Insurance for Salaried Workers*, by Charles E. Brooks, are among the contributions in the April number of *The University of California Chronicle*.

George J. Remsburg is the author of a pamphlet entitled *An Old Kansas Indian Town on the Missouri* which has been printed at Plymouth, Iowa, by G. A. Chandler.

In the May number of the publication known as *Special Libraries* there is a *List of References on the Relief of Dependent Families of Soldiers and Sailors*, compiled under the direction of H. H. B. Meyer.

An address on *John Muir*, delivered at the University of Wisconsin by President Charles R. Van Hise, has been printed in pamphlet form.

The March issue of the *Bulletin of the Indiana State Library* is a "Constitutional Convention Number", and contains, among other things, a *Bibliography on State Constitutions and Constitution-making*.

Edmond S. Meany is the editor of an interesting volume entitled *Mount Rainier: A Record of Exploration*, which has been published by The Macmillan Company. It consists of a collection of original narratives of explorations and ascents of the mountain, beginning with the discovery by George Vancouver in 1792 and closing with a report of the United States Geological Survey concerning the altitude of the mountain. There is also some information relative to place names and altitudes in Mount Rainier National Park. Numerous portraits of explorers and travelers are scattered through the volume. The book should, as the editor hopes, prove very interesting to visitors to the park; and at the same time it performs a valuable service in bringing together important narratives from inaccessible sources, some of which have never hitherto been published.

#### IOWANA

*Iowa's Contribution to Middle Western Literature*, by John T. Frederick, is a paper which appears in the January-March number of the *Iowa Library Quarterly*.

Ervin E. Lewis is the writer of an article on *Federal Aid for Vocational Education* in the April number of *Midland Schools*.

Two articles on *Abraham Lincoln and his Work*, by Henry A. Stebbins, appear in the April and May numbers of *Autumn Leaves*. In the June number there is a brief article entitled *A New Patriotism*, by Charles R. Hield.

An unsigned article on *Freemasonry in America Prior to 1750* may be found in the April number of *The American Freemason*.

T. D. MacGregor is the author of an article on *Our Financial*

*Preparedness* which is to be found in the April number of *The Northwestern Banker*.

*The Social Survey*, by Bessie A. McClenahan, is a *University of Iowa Extension Bulletin* published in December, 1916.

Among the articles in the May number of *The Educational Digest* is one on *The Country Newspaper as a Positive Force in Education*, by George Galloway. In the June number there is a short discussion of *The Geology of Iowa*, by James H. Lees.

In the May number of *The Alumnus of Iowa State College* there is an *Historical Sketch of the Engineering Library*, by Caroline E. Laird.

*Memories of a By-gone Landmark* is the subject of a brief paper by Mrs. Jesse Macy which appears in *The Grinnell Review* for April.

*Iowa Conservation* is the title of a new magazine, the first number of which recently appeared. It is published by the Iowa Forestry and Conservation Commission, and all communications should be addressed to G. B. MacDonald, Ames, Iowa.

An address on *Alumni Influence upon University Ideals*, by J. H. Kirkland, is printed in the April number of *The Iowa Alumnus*. The May number is devoted largely to the inauguration of Walter A. Jessup as President of the State University of Iowa, which occurred on May 11th and 12th.

*Modern Tax Valuation Methods*, by James G. Stafford; and *Law of Pavement Guarantees*, by George C. Warren, are among the articles in the April number of *American Municipalities*. In the May and June numbers may be found *New Iowa Laws* relating to municipal affairs. In the June number there is also an article on the *Relationship of Finance and Depreciation*, by Clinton S. Burns.

A brief history of Lamoni, by Heman C. Smith, is the opening contribution in the April number of the *Journal of History* published at Lamoni, Iowa, by the Reorganized Church of Jesus Christ of Latter Day Saints. There is an unsigned article entitled *Voices*

*and Visions of the Past.* Some interesting reminiscences appear under the title of *Incidents in the Life of Mary Helen Grant*. There is a continuation of the *Autobiography of Elder Isaac N. White*.

*Six Prophets out of the Middle West*, by Frank L. Mott, editor of the *Grand Junction Globe*, is a little Iowa brochure which deserves a wide circulation and a wide reading. In the introduction he points out the achievements and possibilities of the Middle West in the field of literature. Afterward there are brief articles dealing with the work of *The Midland*, Edgar Lee Masters, Hamlin Garland, Edward A. Steiner, John G. Neihardt, and Nicholas Vachel Lindsay.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ames, Edward Scribner,

*Psychology of Religion* (Biblical World, March and April, 1917).

Benson, Oscar Herman (Joint author),

*Agriculture and the Farming Business.* Indianapolis: The Bobbs-Merrill Co. 1917.

Betts, George Herbert (Joint author),

*Agriculture and the Farming Business.* Indianapolis: The Bobbs-Merrill Co. 1917.

Carver, Thomas Nixon,

*National Point of View in Economics* (American Economic Review, March, 1917).

Elliott, Francis Parry,

*Lend Me Your Name.* Chicago: Reilly & Britton Co. 1917.

Emerson, Willis George,

*A Vendetta of the Hills.* Boston: Chapple Publishing Co. 1917.

Evermann, Barton Warren,

*Notes on the Fishes of East Tennessee.* Washington, D. C.: Government Printing Office. 1916.

Ficke, Arthur Davison,

*An April Elegy.* New York: Mitchell Kennerley. 1917.

- Franklin, William Suddards,  
*Bill's School and Mine: A Collection of Essays on Education.*  
South Bethlehem, Pennsylvania: Franklin, McNutt &  
Charles. 1917.
- Garland, Hamlin,  
*William Dean Howells* (Art World, March, 1917).
- Hall, James Norman,  
*From Manhattan* (Overland, April, 1917).
- Keyes, Charles Rollin,  
*Epicene Profiles in Desert Lands* (Science, April 6, 1917);  
*Lost Mountains of the Prairies* (Scientific Monthly, April,  
1917).
- Le Cron, Helen Cowles (Joint author),  
*A Thousand Ways to Please a Husband.* New York: Britton  
Publishing Co. 1917.
- McClenahan, Bessie A.,  
*The Social Survey.* Iowa City: The State University of Iowa.  
1916.
- Mott, Frank L.,  
*Six Prophets out of the Middle West.* Grand Junction, Iowa:  
Grand Junction Globe Press. 1917.
- Peirce, Paul Skeels,  
*American Trade-Promoting Activities* (The South Atlantic  
Quarterly, April, 1917).
- Reynolds, Conger,  
*The Iowa Desk Book of Newspaper Practices.* Iowa City: The  
State University of Iowa. 1917.
- Ross, Edward Alsworth,  
*Absolutism in Endowed Institutions* (School and Society, April  
21, 1917); *Class and Caste* (American Journal of Sociology,  
March, 1917).
- Starch, Daniel,  
*Further Experimental Data on the Value of Studying Foreign  
Languages* (School Review, April, 1917).
- Swem, Earl Gregg,  
*Letters on the Condition of Kentucky in 1825.* New York:  
C. F. Hartman. 1917.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

*The Des Moines Register and Leader*

- History of the Red Cross Society, April 5, 1917.  
 The Winnebago River, April 8, 1917.  
 History of the American Flag, April 14, 1917.  
 Musings of an Octogenarian, by T. S. Johnson, April 16, 1917.  
 William H. Fleming Recalls Political History, April 17, 1917.  
 An Iowa Boy who Fought at the Dardanelles, April 22, 1917.  
 Passing of Amity College — an Iowa College Built in War Times,  
 April 22, 1917.  
 Sketch of the Life of Truman S. Stevens, April 26, 1917.  
 Hoover of Iowa — A World Figure, May 27, 1917.  
 Memories of the Spanish-American War, May 29, 1917.  
 Conscription in History, by William H. Fleming, June 4, 1917.

*Miscellaneous*

- History of Old Elm Tree at Leclaire, in the *Clinton Advertiser*,  
 April 3, 1917.  
 Early Recollections of a Swedesburg Pioneer, in the *Mt. Pleasant  
 Free Press*, April 4, May 10, 1917.  
 Sketch of the Lives of Mr. and Mrs. James Cruikshank, in the  
*Keokuk Gate City*, April 5, 1917.  
 First Settlers in Southern Part of Calhoun County, in the *Lake  
 City Graphic*, April 5, 1917.  
 Pioneer Days, by T. C. Collins, in the *Humboldt Republican*, April  
 6, 1917.  
 First Settlers of Tama County, in the *Traer Star-Clipper*, April 6,  
 1917.  
 A Dollar Looked Big in 1842, in the *Ottumwa Courier*, April 7,  
 1917.  
 The County Agent in Iowa, in the *New Hampton Gazette*, April 11,  
 1917.  
 Bill of Court Expenses for September, 1846, in the *Keosauqua  
 Republican*, April 12, 1917.  
 Sketch of the Lives of Mr. and Mrs. Levi Airy, in the *Oskaloosa  
 Times*, April 13, 1917.



- Cold Weather in 1881, in the *Oskaloosa Herald*, April 16, 1917.
- Stirring Days of 1861 Recalled by William D. Christy, in the *Des Moines Tribune*, April 17, 1917.
- Judge J. J. Clark Presented with Loving Cup, in the *Forest City Republican*, April 18, 1917.
- Memorial Services in Honor of the late J. P. Conway, in the *Waukon Republican*, April 18, 1917.
- Marion County in the Civil War, in the *Melcher Union*, April 19, 1917.
- Sketch of the Life of Henry T. Helgeson, in the *Decorah Republican*, April 19, 1917.
- Other Winters, in the *Gowrie News*, April 19, 1917.
- Is Mrs. Nancy Nidiver Oldest Native of Iowa?, in the *Knoxville Journal*, April 19, 1917.
- History and Geography of Iowa Should be Taught in Schools, in the *Oskaloosa Herald*, April 20, 1917.
- Some Iowa Literature, by John T. Frederick, in the *Burlington Hawk-Eye*, April 25, 1917.
- Sketch of the Life of John Wolf, in the *Manchester Democrat*, April 25, 1917.
- Sketch of the life of Thomas E. Fleming, in the *Manchester Democrat*, April 25, 1917.
- Swamp Lands of Madison County, by W. H. Lewis, in the *Winter-set Madisonian*, April 25, 1917.
- Sketch of the Lives of Mr. and Mrs. Harry Horsman, in the *Knoxville Journal*, April 26, 1917.
- Mormon History, in the *Guthrie Center Guthrian*, April 26, 1917.
- Cost of Living Forty-four Years Ago, in the *Macksburg Independent*, April 26, 1917.
- Buffalo Bill's First Indian, in the *Marion Register*, April 27, 1917.
- Sketch of the Lives of Mr. and Mrs. William Harrison, in the *Grinnell Register*, April 30, 1917.
- Prices During the Civil War, in the *Grinnell Register*, May 3, 1917.
- Food Prices Fifty-one Years Ago, in the *Knoxville Journal*, May 3, 1917.
- Six Prophets of the Middle West, by Frank L. Mott, running in the *Grand Junction Globe* in April and May, 1917.

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- Early History of Elgin, in the *Elgin Echo*, May 3, 1917.  
Sketch of the Life of Henry C. Chapin, in the *Eldora Herald*, May 3, 1917.  
The Jenney Expedition to the Black Hills, in the *Burlington Post*, May 5, 1917.  
Sketch of the Life of Eliza J. J. Waller, in the *Charles City Intelligencer*, May 11, 1917.  
Fort Madison Company First to Mexico in War of 1846, in the *Fort Madison Democrat*, May 12, 1917.  
Old Newspaper of 1865, in the *Corning Union-Republican*, May 16, 1917.  
Sketch of the Life of John W. Johnson, in the *Ames Tribune*, May 17, 1917.  
Attempt to Raffle Off a Hotel, in the *Algona Courier*, May 17, 1917.  
Prices in Early Days in Bremer County, in the *Waverly Democrat*, May 17, 1917.  
Fort Snelling Ninety-eight Years Old, in the *Correctionville News*, May 17, 1917.  
Seventy-Year-Old Sunday Law, in the *Council Bluffs Nonpareil*, May 13, 1917.  
When the Railroad First Reached Iowa, in the *Washington Journal*, May 19, 1917.  
Passing of Old Landmark in Grinnell, in the *Grinnell Herald*, May 22, 1917.  
Algona in 1871, in the *Algona Republican*, May 23, 1917.  
Story of Old Tavern, in the *McGregor Times*, May 24, 1917.  
Civil War Veterans Keep Anniversary, in the *Webster City Herald*, May 24, 1917.  
Sketch of the Life of John D. Carter, in the *Mt. Ayr Register-News*, May 31, 1917.  
Early Marengo History, in the *Marengo Republican*, June 6, 1917.  
Prices Fifty Years Ago, in the *Bloomfield Republican*, June 7, 1917.  
Sketch of the Lives of Mr. and Mrs. Thomas Lawrence, in the *Belle Plaine Union*, June 7, 1917.  
Iowa in War Time, in the *Burlington Hawk-Eye*, June 10, 1917.

## HISTORICAL SOCIETIES

### PUBLICATIONS

*Horace White*, by Amelia E. White; and *Frank Dempster Sherman*, by Alexander M. Welch, are brief biographical sketches in *The New York Genealogical and Biographical Record* for April.

About half of *The Pennsylvania Magazine of History and Biography* for April is taken up with the *Journal of Samuel Rowland Fisher, of Philadelphia, 1779-1781*, contributed by Anna Wharton Morris. Another contribution is the *Orderly Book of General Edward Hand, Valley Forge, January, 1778*.

*The Story of New Amsterdam*, by William R. Shepherd, is a very readable narrative of more than one hundred pages, which is to be found in the *Year Book of the Holland Society of New York* for 1917.

A brief memoir of *Frederick Lewis Gay*, by John H. Edmonds, is to be found in the April number of *The New England Historical and Genealogical Register*. A supplement contains the proceedings of the New England Historic Genealogical Society at the annual meeting on February 7, 1917.

The January-March number of the *Quarterly Publication of the Historical and Philosophical Society of Ohio* is devoted to some *Letters of Thomas Boylston Adams*.

*The Home of the American Catholic Historical Society* is briefly described by Jane Campbell in the March number of the *Records of the American Catholic Historical Society*. There is also the concluding installment of the study of *The Capuchins in Acadia and Northern Maine (1632-1653)*, by John Lenhart.

Two short articles on *Medford's Disused Subway* and *Medford Hillside*, both by Moses W. Mann, appear in the January number of *The Medford Historical Register*.

Volumes forty-seven and forty-eight of the *Collections of the New York Historical Society* contain Revolutionary War muster rolls. Volume forty-nine contains the *Proceedings of a Board of General Officers of the British Army at New York, 1781*.

Volume sixteen of the *Collections of the Connecticut Historical Society* is a book of about six hundred pages containing *Correspondence and Documents During Roger Wolcott's Governorship of the Colony of Connecticut, 1750-1754*, with an introduction by Albert C. Bates.

In the *Proceedings of the Seventy-eighth Annual Meeting of the Georgia Historical Society* will be found an address by Alexander C. King on *Georgia's Influence on the Secession Movement*.

The July-September, 1916, number of *The Journal of American Folk-Lore* contains the following articles, among others: *European Tales from the Plains Ojibwa*, by Alanson Skinner; *Plains Cree Tales*, by the same author; and *Ojibwa Tales from the North Shore of Lake Superior*, by William Jones, with notes by Truman Michelson. The October-December number is taken up largely with Spanish-American folk-lore.

A *North Carolina Manual* of four hundred and fifty pages, compiled by R. D. W. Connor, has been published by the North Carolina Historical Commission for the use of the members of the General Assembly.

*Bulletin of Information*, Nos. 17-20, published by The Arkansas History Commission, have been combined into one number, containing a *Classified Catalogue of Historical Information*. This is a comprehensive list of references, chiefly from newspapers of the last few years, arranged alphabetically by topics.

Mary Wilhelmine Williams is the author of a volume on *Anglo-American Isthmian Diplomacy, 1815-1915*, which has been published by the American Historical Association. This is the essay which was awarded the Justin Winsor Prize in American History for 1914.

A *Red Rose — Springfield, 1780 — and After*, by William Nelson; *The Reformed Protestant Church in Newark*, by Charles E. Hart; some *Reminiscences of the War of 1812*; and *Jedidiah Swan's Orderly Book* are among the contents of the *Proceedings of the New Jersey Historical Society* for January.

Volumes fifteen and sixteen of the *Archives of Maryland*, edited by Clayton C. Hall, contain the *Proceedings and Acts of the General Assembly of Maryland*, from 1724 to 1726, and from 1727 to 1729, respectively.

A handsome volume published by the Connecticut Historical Society is entitled *Records of the Connecticut State Society of the Cincinnati*. The records which the volume contains are printed in facsimile reproductions of the originals. A similar volume published by the same Society contains *Papers of the Connecticut State Society of the Cincinnati*.

N. H. Debel is the author of an article on *The Development of the Veto Power of the Governor of Illinois* which occupies first place in the *Journal of the Illinois State Historical Society* for October. Charles A. Kent is the writer of an address on *Lincoln and Gettysburg after Fifty Years*. An article of particular interest to Iowans is a brief biographical sketch of *Russel Farnham*, by Orrin S. Holt. Besides numerous other articles and documents there are the proceedings at the dedication of the *Jesse W. Fell Memorial Gateway, State Normal University Campus*.

The *Quarterly Bulletin* is the name of a new periodical, published by the New York Historical Society, which made its appearance in April. It is its purpose to present brief accounts of the work of the Society and of the interesting features of the library and museum. In this number, among other things, there is a short article on *The Spurious Ulster County Gazette of January 4, 1800*.

A detailed account of *The Meeting of the American Historical Association at Cincinnati* occupies the opening pages in *The American Historical Review* for April. Jesse S. Reeves is the author of a paper entitled *Two Conceptions of the Freedom of the Seas*; Arthur

L. Cross discusses *The English Criminal Law and Benefit of the Clergy During the Eighteenth and Early Nineteenth Centuries*; and Ralston Hayden writes on *The States' Rights Doctrine and the Treaty-making Power*. Under the heading of "Documents" will be found *Protocols of Conferences of Representatives of the Allied Powers Respecting Spanish America, 1824-1825*.

*The Missouri Historical Review* for January opens with some *Letters of Edward Bates and the Blairs* from the private papers of Senator Doolittle, contributed by Duane Mowry. The progress made in the plans for *Missouri's Centennial Celebration* are described at some length; and David W. Eaton contributes the third in his series of articles on *How Missouri Counties, Towns and Streams were Named*.

In *The Georgia Historical Quarterly* for June there are, among others, the following articles: *James Mackay, of Strathy Hall, Comrade in Arms of George Washington*, by William Harden; *Fort Pulaski*, by Charles H. Olmstead; *Historic Spots in Summerville*, by Lawton B. Evans; and a legal opinion on the *Boundary Between Georgia and South Carolina*, by George Hillyer.

The Onondaga Historical Association has published a volume of about two hundred pages containing *Moravian Journals Relating to Central New York 1745-66*, arranged and edited by William M. Beauchamp. Beginning with Bishop A. G. Spangenberg's journal of a journey to Onondaga in 1745, and ending with the journal of the journey of David Zeisberger and Gottlieb Sensemann to Onondaga and Cayuga in 1766, the material here printed makes accessible some very interesting and valuable data relative to Indian affairs. David Zeisberger was a member of each of the parties whose experiences are here recorded.

An interesting article in the *Historical Collections of the Essex Institute* for April is one by Winfield S. Nevins on *Nathaniel Hawthorne's Removal from the Salem Custom House*. There are also continuations of *The Lee Family of Marblehead*, by Thomas Amory Lee; *The Eastern Railroad*, by Francis B. C. Bradlee; and *A Gene-*

*alogical-Historical Visitation of Andover, Mass., in the Year 1863*, by Alfred Poore.

*The Southwestern Historical Quarterly* for April opens with the first chapters of a monograph on *The Tariff History of the Republic of Texas*, by Asa Kyrus Christian. Then follows the third installment of the study of *Diplomatic Relations Between France and the Republic of Texas*, by Herbert R. Edwards. *Jared Ellison Groce* is the subject of a short sketch by Rosa Groce Bertleth. Some *Recollections of Stephen F. Austin* are presented by George L. Hammelsen. And finally, there is another section of *British Correspondence Concerning Texas*, edited by Ephraim Douglass Adams.

Continuations of the *Journal of the Committee of Observation of the Middle District of Frederick County, Maryland*, and of *Extracts from the Carroll Papers* appear in the March number of the *Maryland Historical Magazine*. There is also an unsigned article on the history of the *Second Regiment, Maryland Volunteer Infantry*.

*The Mason Title and Its Relations to New Hampshire and Massachusetts*, by Otis Grant Hammond; *The Hornbook and Its Use in America*, by George A. Plimpton; *Historical Notes Relating to the Second Settlement of Worcester*, by Lincoln N. Kinnicutt; and *The Press and Printers of Jamaica Prior to 1820*, by Frank Cundall, are papers in the *Proceedings of the American Antiquarian Society* at the annual meeting held on October 18, 1916. Part six of Clarence S. Brigham's *Bibliography of American Newspapers, 1690-1820*, here printed, contains a list of New Jersey newspapers.

Quenby and the eastern branch of Cooper River are the subjects discussed in chapter sixteen of Henry A. M. Smith's study of *The Baronies of South Carolina* in the January number of *The South Carolina Historical and Genealogical Magazine*. There is another installment of the *Letters of John Rutledge*, annotated by Joseph W. Barnwell.

*The Hoskins of Kentucky*, by Eliza A. Herring; *The Alleged Secession of Kentucky*, by A. C. Quisenberry; *Lincoln, Jefferson Davis*

and Francis Preston Blair, by Gist Blair; *Israel Donalson, Maysville's First School Teacher*, by A. F. Curran; and *History of Education in Kentucky*, by Martha Stephenson, are articles in the May number of *The Register of the Kentucky State Historical Society*.

*Memphis as a Gateway to the West: A Study in the Beginnings of Railway Transportation in the Old Southwest* is the title of a valuable paper by St. George L. Sioussat, which is the opening contribution in the March number of the *Tennessee Historical Magazine*. There is also the first installment of a study of *Lardner Clark, Nashville's First Merchant and Foremost Citizen*, by W. A. Provine. The documents in this number consist of some *Letters of James K. Polk to Andrew J. Donelson, 1843-1848*, with introduction and notes by St. George L. Sioussat.

*Rosati's Election to the Coadjutorship of New Orleans*, by Charles L. Souvay; *Chronology of the Catholic Hierarchy in the United States*, by Owen B. Corrigan, dealing with the Provinces of Philadelphia, Milwaukee, and Santa Fe; *Negro Catholics in the United States*, by Joseph Butsch; and *Early Irish Schoolmasters in New England*, by Michael J. O'Brien, are articles in the April number of *The Catholic Historical Review*. A number of interesting documents appear under the heading, *A Bishop for the Indians in 1790*.

Two articles in the March number of the *Indiana Magazine of History* which deal with the local history of that State are: *Universalism in Indiana*, by Elmer Arnold Robinson; and *Old Corydon*, by Charles Moores. Some *Reminiscences of the Civil War: Escape from Fort Tyler Prison* are presented by Horace B. Little. Of more general interest are: *The Wilderness Road*, by Frances Higgins; *Memories of the National Road*, by Harriet McIntyre Foster; and *Tecumseh's Confederacy*, by Elmore Barce.

Thomas B. Beall is the contributor of some *Pioneer Reminiscences*, which occupy the opening pages of *The Washington University Quarterly* for April. Under the heading of *Washington's War Governor* there is a letter written by William Pickering in 1862.



*Chief Sluskin's True Narrative* is presented by Lucullus V. McWhorter. An interesting paper by O. B. Sperlin deals with Washington's *Forts of the Fur Trade Regime*. Edmond S. Meany contributes a brief discussion of the *Early Records of the University*. Finally, there is the concluding installment of the *Diary of Colonel and Mrs. I. N. Ebey*, edited by Victor J. Farrar.

Among the articles in the January-March number of the *American Anthropologist* are the following: *Ceremonial Friendship at Zuni*, by Elsie Clews Parsons; *Game Totems Among the Northeastern Algonkians*, by Frank G. Speck; *The Place of Coiled Ware in Southwestern Pottery*, by Earl H. Morris; *Evidence of Circular Kivas in Western Utah Ruins*, by Neil M. Judd; *Similarities in Culture*, by W. D. Wallis; and *De Soto's Route from Cofitachequi, in Georgia, to Cosa, in Alabama*, by Daniel M. Andrews. This number also contains the constitutions of the American Anthropological Association and the American Ethnological Society, and the proceedings of the latter organization at the meetings from February, 1915, to January, 1917.

A monograph of over seventy pages on *Ohio in the Presidential Election of 1824*, by Eugene H. Roseboom, is the opening contribution in the April number of the *Ohio Archaeological and Historical Quarterly*. An illustrated account of the *Explorations of the Westenhaver Mound* is presented by William C. Mills. *The Mound Builder and the Indian According to the Book of Mormon* is the subject discussed by C. W. Clark. Among the editorials are notes on the history of Fort Laurens; on the Campus Martius within the limits of the city of Marietta, Ohio; on the life and services of Stephen D. Peet; and on the first court in Ohio.

A symposium on the *Field and Method of the Elementary College Course* is to be found in the April number of *The History Teacher's Magazine*. Among the articles in the May number are the following: *The War and History Teaching in Europe*, by Albert E. McKinley; and *The Minnesota History Teachers' Syllabus*, contributed by C. B. Kuhlmann. The June number contains, among others, the following contributions: *The Great War: From Spec-*

*tator to Participant*, by Andrew C. McLaughlin; *How Far Should the Teaching of History and Civics be Used as a Means of Encouraging Patriotism?*, by Herman V. Ames; *The Passing of Splendid Isolation*, by Arthur P. Scott; and *The National Board for Historical Service*, by James T. Shotwell.

Volumes twenty and twenty-one of the *Buffalo Historical Society Publications* consist of a two-volume work by Frank H. Severance, entitled *An Old Frontier of France: The Niagara Region and Adjacent Lakes Under French Control*. The first volume tells of the coming of the first white men to the region, of the adventures of La Salle, of the expeditions of La Barre and Denonville, of the activities of the elder Joncaire and his sons, and of the development of the fur trade. Volume two deals with the history of the region during the final struggle between the French and the English and its acquisition by the latter. The narrative, which is written in a very interesting style, is well supplied with notes and references, and there are numerous maps and illustrations.

A brief discussion of *The Klamath Exploring Expedition, 1850*, by Socrates Scholfield, is the opening contribution in *The Quarterly of the Oregon Historical Society* for December, 1916. Some *Reminiscences of Mrs. Frank Collins, nee Martha Elizabeth Gilliam*, are presented by Fred Lockley. Mrs. Collins was born in Missouri, and her father took part in the Black Hawk War. The *Last Will and Testament of John Day*, who was a member of Astorian expedition of 1811-12, is prefaced by an introduction by T. C. Elliott. Six letters from Elihu Wright to his brother, Samuel Wright, with an editorial note by George H. Himes; the third installment of the *Diary of Reverend Jason Lee*; and another portion of the *Correspondence of the Reverend Ezra Fisher*, complete the contents.

The *Proceedings of the Mississippi Valley Historical Association for 1915-1916*, edited by Solon J. Buck, appeared in April as a supplement to *The Mississippi Valley Historical Review*. This is the first volume of the *Proceedings* to come out under the new plan of issuing all the publications of the Association under the direction of the Board of Editors. Among the papers contained in this vol-

ume are the following: *The Mississippi Valley in American History*, by Dunbar Rowland; *Religion as a Factor in the Early Development of Ohio*, by Margaret J. Mitchell; *New Light on Early Kentucky*, by James R. Robertson; *Internal Improvement Projects in Texas in the Fifties*, by Charles W. Ramsdell; *The Dutch Element in Early Kentucky*, by Percy Scott Flippin; *The Early Life of Jefferson Davis*, by Walter L. Fleming; and *The Veto Power in Ohio*, by Reginald C. McGrane. A large number of the papers read before the Association have been or will be printed in the *Review* or elsewhere. The lack of an index in the volume is to be regretted.

The *Minnesota History Bulletin* for November is taken up with *Captain Potter's Recollections of Minnesota Experiences*, written by Theodore E. Potter, who came to Minnesota in 1856 when a young man about twenty-four years of age, after having made a journey to California and having been a member of Walker's filibustering expedition to Nicaragua. Iowans will find interest in the brief discussion of the Spirit Lake massacre, and later of the massacre at New Ulm. The February number of the *Bulletin* contains two biographical sketches, namely: *Captain Henry A. Castle*, by Gideon S. Ives; and *Return Ira Holcombe*, by Warren Upham. Among the "Notes and Documents" is a letter written by Charles C. Willson of Rochester, Minnesota, stating a lawyer's view of the Kensington Rune Stone; and a note on the genesis of the Republican party in Minnesota. A supplement to this number contains the *Nineteenth Biennial Report* of the Society for the years 1915 and 1916.

#### ACTIVITIES

The State Pioneer and Historical Society of Michigan held its forty-third annual meeting at Lansing on May 9th and 10th.

The annual meeting of the Maryland Historical Society was held on February 12, 1917. The report of the committee on membership revealed the fact that one hundred and forty new members were added during the year 1916, making a total of seven hundred and sixty-eight.

The new building of the Minnesota Historical Society is rapidly nearing completion and it is hoped that it will be ready for occupancy by the first of October. The total number of books and pamphlets in the library of the Society on December 31, 1916, was estimated at 124,239, of which 81,239 have been accessioned.

A movement looking toward the establishment of a State Department of Archives and History has been inaugurated by the Georgia Historical Society.

The annual meeting of the Texas State Historical Association was held on March 2nd. The following officers, among others, were chosen: Mrs. A. B. Looscan, president; and Charles W. Ramsdell, corresponding secretary and treasurer. Forty new members were also elected at this time.

The Madrid Historical Society has recently come into possession of the plat of the old town of Elk Rapids in Boone County, which was laid out in April, 1851.

Among the recent acquisitions of the Historical Society of Marshall County is the first government land patent issued for land in Marshall County. It was issued on June 7, 1848, to John Long of Illinois as a bounty for service in the Mexican War. He assigned the warrant to Joseph Cooper, by whose son it has now been donated to the Historical Society.

The eighteenth annual meeting of the Illinois State Historical Association was held in the Supreme Court building at Springfield on May 10th and 11th. The annual address was delivered by Dr. Jenkin Lloyd Jones of Chicago. Among the papers were: *The Population of Illinois, 1870-1910*, by E. L. Bogart; *The Public Land Policy and Early Illinois Politics*, by Theodore C. Pease; and *The Presidential Election of 1864*, by Arthur C. Cole.

The Madison County Historical Society held its annual meeting at the court house in Winterset on Tuesday, April 24th. The program consisted of a letter from Mrs. Richard Dabney of Portland, Oregon, telling of early days in Madison County; an address by

B. B. Burton on the importance of the study of history; and a paper by W. H. Lewis on the swamp lands of Madison County. The following officers were elected: H. A. Mueller, president; W. W. Gentry, vice president; and E. R. Zeller, secretary-treasurer. The Society has recently been given a room in the court house for the storage and display of its relics and collections.

The tenth annual meeting of the Mississippi Valley Historical Association was held in Chicago on April 26-28, 1917. The sessions were held in the building of the Chicago Historical Society, in the Newberry Library building, and in the Congress Hotel. Besides the presidential address on *The Rise of Sports, 1876-1893*, by Frederic L. Paxson, the following are among the papers read: *The Value of the Memoir of George Rogers Clark*, by James A. James; *Glimpses of Some Old Mississippi River Posts*, by Louis Pelzer; *The Military-Indian Frontier, 1830-1835*, by Ruth A. Gallaher; *The Pioneer Aristocracy*, by Logan Esarey; *Latin-American History as a Field of Study for Mississippi Valley Students*, by Paul F. Peck; and *The Influence of the West on the Rise and Decline of Political Parties*, by Homer C. Hockett. At the business meeting St. George L. Sioussat was elected president; Mrs. Clarence S. Paine, secretary-treasurer; Orin G. Libby, Arthur H. Sanford, and Homer C. Hockett, members of the executive committee; and Isaac J. Cox, Milo M. Quaife, and Dan E. Clark, members of the board of editors.

#### THE STATE HISTORICAL SOCIETY OF IOWA

During the summer the Society will install a number of new steel bookstacks to meet the need for more shelf-room for the growing library. Additional steel vaults for the preservation of manuscripts will also be installed.

Dr. Fred E. Haynes, author of the volume on *Third Party Movements Since the Civil War with Special Reference to Iowa*, is preparing a biography of James B. Weaver for publication by the Society.

A volume on the *Marches of the First United States Dragoons*, by Dr. Louis Pelzer; and a volume on *Old Fort Snelling*, by Mr. Marcus Lee Hansen, are nearing completion and will be put to press during the summer or early fall.

A biography of Samuel J. Kirkwood, who was Governor of Iowa during the Civil War and later United States Senator and Secretary of the Interior, is now in press. The Associate Editor, Dan E. Clark, is the author.

The following persons have recently been elected to membership in the Society: Dr. Henry Young, Manson, Iowa; Mr. Norris A. Brisco, Iowa City, Iowa; Mr. Walter Canaday, Des Moines, Iowa; Miss Ruth A. Gallaher, Iowa City, Iowa; Miss Helen Otto, Iowa City, Iowa; and Mr. Henry E. Sampson, Des Moines, Iowa.

## NOTES AND COMMENT

William C. Brown, State Treasurer of Iowa since 1913, died at his home in Des Moines on May 12th. He was born in New York in 1859.

Newspapers tell of the recent demolishing of a building in Burlington which is said to have been the first hotel in Iowa. Built in 1835, it was originally known as the Black Hawk Inn; and later it was called the Harris House.

On April 25th Governor Harding appointed Truman S. Stevens of Hamburg to succeed the late Horace E. Deemer as Justice of the Supreme Court of Iowa.

A National Board for Historical Service has been organized, with headquarters at 1133 Woodward Building, Washington, D. C. James T. Shotwell is chairman; Charles H. Hull, vice chairman; and Waldo G. Leland, secretary-treasurer. The purpose of the board is to encourage and coördinate activities along historical lines which may be of service to the nation during the present crisis.

An historical pageant entitled "Louisiana" was performed at Knoxville, Iowa, on May 3rd and 4th, a number of local organizations participating in the production.

On April 22nd at Manchester occurred the death of John Wolf, who had a long and interesting career. He was born in Pennsylvania in 1813. Coming west at an early age, he participated in the Black Hawk War of 1832. He served for more than a year in the Mexican War, and for over three years in the Civil War. His military career also included service on the western plains, during which time he made many trips from the Missouri River to Oregon as a member of the escort of emigrant trains.

Abraham Noé, who was secretary of the Community of True Inspiration for twenty-seven years and manager of the Amana Store for fifty years, died at his home in Amana late in May. His father, William Noé, was a member of the committee of four which was sent to America for the purpose of securing a new home for the Community. Dr. Charles F. Noé, a son of Abraham Noé, is a member of The State Historical Society of Iowa, and a graduate of the College of Medicine of the State University of Iowa.

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### CONTRIBUTORS

JOHN ELY BRIGGS, Research Associate in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1915, p. 471.)

RUTH AUGUSTA GALLAHER, Library Research Associate in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1916, p. 156.)



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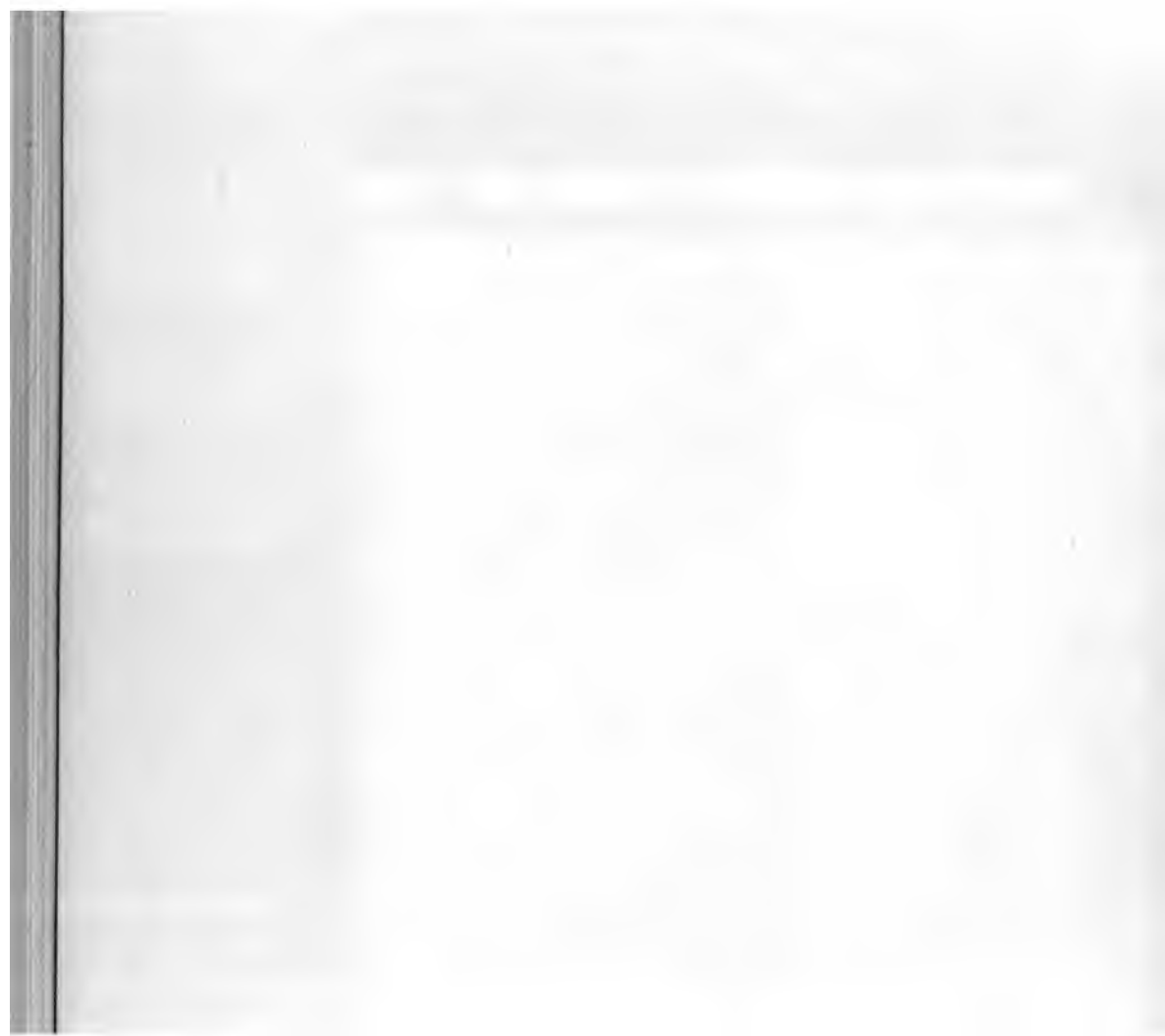
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**THE IOWA JOURNAL OF HISTORY AND POLITICS**  
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## THE IOWA WAR LOAN OF 1861

Perhaps the most interesting feature of the financial history of Iowa during the Civil War is to be found in the events connected with the floating of the State war loan. At the outbreak of the war the finances of the State were in a very unfavorable condition: tax administration was inefficient, tax collections were poor, money was scarce, crops were poor, and the people were hard up. When the first call came for troops the seriousness of the situation was not comprehended, and the Governor postponed the calling of an extra session of the General Assembly as a matter of economy. Although Governor Kirkwood had no funds at his disposal and there was no organized militia in the State, the branches of the State Bank furnished the needed money, and more men volunteered than could be accepted. The Governor accepted the money and enrolled troops in greater numbers than had been required, relying upon the General Assembly to legalize his acts. The outlook for early peace did not improve, however, and the indications were that the country would be involved in a general civil war. Therefore, on April 25, 1861, a proclamation was issued calling for an extra session of the General Assembly to convene on May 15, 1861.<sup>1</sup>

It was within the province of the Federal government to wage and finance the war, but the State of Iowa was loyal and willing to do its part. The extraordinary expenses which the State was called upon to bear, temporarily, were incurred in connection with the preparation of troops for

<sup>1</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 470.

the Federal service. The troops had to be enrolled, clothed, armed, transported, subsisted, and paid. It was a big undertaking and required a great deal of money. The State assumed the entire expense of raising its own troops and of maintaining them until they were mustered into the service of the United States, and it proved to be a heavy strain on the financial organization of the State. The Governor and other public men labored faithfully and made great personal sacrifices, but many of the troops had to be mustered into Federal service without arms, without uniforms, and without having been paid for their time from the date of their acceptance until mustered into National service. It was a situation that caused chagrin to the Governor and the people of the State, but there seemed to be no immediate remedy.

#### PROVISION FOR WAR LOAN

When the General Assembly convened in extra session on May 15, 1861, it was asked among other things to authorize the making of a State loan and to provide for the support by the State of the families of volunteers. It was thought that State bonds would find a ready market; and the Governor declared that the people of Iowa, knowing that money was the sinews of war, would "consider alike criminal a mistaken parsimony which stops short of doing whatever is necessary for the honor and safety of the State, and a wild extravagance which would unnecessarily squander the public treasure."<sup>2</sup>

Although the special session of the legislature lasted only two weeks, much was accomplished. The appropriations made by counties and cities for the purpose of equipping and paying the expenses of volunteers or of maintaining

<sup>2</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 262.

their families were legalized.<sup>3</sup> A War and Defense Fund was created, and the Governor was authorized to purchase munitions of war and equipment for troops.<sup>4</sup> Provision was made whereby enlisted men were to be paid for the time between the date when they were ordered into quarters by the Governor and the date on which they were mustered into the service of the United States. The rate of compensation was the same as that to which soldiers of corresponding ranks were entitled in the United States Army.<sup>5</sup> An auditing commission was created to audit all accounts and disbursements arising under the call for volunteers or in connection with the organized militia of the State.<sup>6</sup> A militia law was also enacted. Counties were authorized to make appropriations for the relief and support of the families of volunteers. The maximum limit for the tax levy for State purposes was raised from two to two and one-half mills on a dollar.

The most important law enacted at this session, however, from the standpoint of the State finances, was the act "to provide for the issue and sale of State Bonds to procure a loan of money for the State of Iowa, to enable it to repel invasion and defend itself in war."<sup>7</sup> Both houses of the legislature assumed that a State loan was necessary, but there was a difference of opinion as to the amount to be authorized. A compromise between the extremes was finally reached, and the State was authorized to issue and sell State bonds to an amount not exceeding \$800,000. The bonds were to run twenty years and bear interest at the rate of seven per cent, payable semi-annually. Bonds were

<sup>3</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 3.

<sup>4</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 4.

<sup>5</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 11.

<sup>6</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 10.

<sup>7</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 16.

to be issued in denominations of one hundred, five hundred, and one thousand dollars.

"No money arising from the sale of said Bonds, or any part thereof," reads section three of the act, "shall be used or applied in any manner, or for any purposes, except the purposes of purchasing arms and munitions of war for the use of the State, for defraying and paying the expenses already incurred, or which may hereafter be incurred in calling out troops or organizing, uniforming, equipping, subsisting and paying the militia of the State when called out under the laws of this State or those of the United States, or such other purposes as are or may become necessary or incident to the repelling of an invasion or the defense of the State in war,"<sup>8</sup> except for the necessary expenses connected with the issue of the bonds. The same section provided that any irregularity in the issuing of the bonds should not impair their validity in the hands of bona fide holders.

Section four of the act contained the following pledge:

The State doth hereby irrevocably pledge its faith to provide adequate means to pay the interest on the said Bonds as the same may become due, and the principal at the expiration of twenty years, and for this purpose, all, or so much as is necessary of the revenue arising from the entire taxable property of the State shall be and the same is hereby set apart and pledged for these purposes. And it is hereby made the duty of the Census Board, or other proper officer or officers, (which duty may if necessary, be enforced by mandamus) to levy in each year a tax sufficient for these purposes, after payment of all expenses of collection.

No tax shall ever be levied by the State of Iowa on the stock hereby created, nor on the interest which may be payable thereon; and the value of this stock shall in no wise be impaired by the authority of this State, provided that nothing herein contained shall be so construed as to exempt from taxation any part of the capital stock of the Branches of the State Bank of Iowa.<sup>9</sup>

<sup>8</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 16, Sec. 3.

<sup>9</sup> *Laws of Iowa* (Extra Session), 1861, Ch. 16, Sec. 4.



The Governor and four other commissioners named in the act were constituted a board to determine, from time to time, the amount of bonds that should be sold. The funds accruing from the sale of these bonds were to constitute a fund separate from the general revenue of the State and be known as the "War and Defense Fund". Only the warrants drawn in payment of war expenses were to be paid from this fund.

The Treasurer of State and Maturin L. Fisher were named in the act as agents of the State "with full power to negotiate said loan, to sell and transfer the said Bonds, and to do all things necessary in the premises."<sup>10</sup> These agents were required to give heavy bonds; and careful safeguards were placed upon all transactions connected with the disposition of the war bonds. The act declared that all sales of the bonds should be for specie, payable upon the delivery of the bonds to the purchasers. It also provided that the matured coupons on the bonds of one hundred dollars should be receivable in payment of all State taxes.

The act left it to the discretion of the commissioners whether or not any part of the bonds should be sold at private sale in this State at par, before they were offered in New York City. It specified the manner of offering the bonds for sale in New York, how they should be advertised, and at what time the bids were to be received and opened.

The law was carefully drawn and all the steps necessary for the successful negotiation of the loan were provided for. The State had been economical and conservative in all its financial transactions. Its debt was small, its population was increasing rapidly, its resources were great and unimpaired, and the interest on its bonds was greater than that on the bonds being negotiated by many of the other northern States. In his message to the General Assembly

<sup>10</sup> *Laws of Iowa (Extra Session), 1861, Ch. 16, Sec. 6.*

when it met to provide for the loan Governor Kirkwood said:

I feel assured that the State can readily raise the means necessary to place her in a position consistent alike with her honor and her safety. Her territory of great extent and unsurpassed fertility, inviting and constantly receiving a desirable emigration, her population of near three quarters of a million of intelligent, industrious, energetic and liberty-loving people, her rapid past and prospective growth, her present financial condition, having a debt of only about one quarter of a million dollars unite to make her bonds among the most desirable investments that our country affords.<sup>11</sup>

On the surface, conditions appeared to favor the successful negotiation of the loan. In 1858 the State had borrowed \$200,000 for current expenses on ten-year, seven per cent bonds and the whole sum was taken by the banking firm of Cook and Sargent of Iowa for \$200,005.<sup>12</sup> Moreover, during the first year of statehood Iowa had contracted a loan of \$55,000 at par,<sup>13</sup> for ten years at ten per cent. The interest on this debt was paid as it fell due and the principal was redeemed upon maturity.<sup>14</sup>

#### THE BONDS PLACED ON THE MARKET

The Board of Commissioners met at Des Moines on June 13, 1861, for the purpose of determining the amount of bonds to be offered for sale. After some deliberation they ordered the issue and sale of bonds to the amount of \$400,000, in denominations of one hundred, five hundred, and one thousand dollars. Both the interest and principal of all bonds of one hundred dollars, none of which were to be sold outside of the State, were made payable at the State

<sup>11</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 262.

<sup>12</sup> *Laws of Iowa*, 1858, Ch. 7; *Senate Journal*, 1858, p. 514.

<sup>13</sup> *Laws of Iowa*, 1846, Ch. 37; *House Journal* (Extra Session), 1848, p. 27.

<sup>14</sup> *Report of the State Auditor*, 1858.

treasury. The agents for the sale of bonds were ordered to sell bonds at private sale in Iowa, at their nominal par value, until July 8, 1861, at which time they were to repair to New York City for the purpose of receiving sealed proposals for the unsold portion of the bonds.<sup>15</sup>

That Governor Kirkwood favored the sale of a larger amount of the bonds is indicated by a letter written by him on the day the commissioners met. In a letter addressed to Asahel W. Hubbard, whom the Governor had appointed as an aid to assist in the protection of the northwestern frontier, he stated that the Board of Commissioners had just met and had fixed the amount of bonds to be issued at \$400,000. "This, I am sorry to say, is one hundred thousand dollars less than I deem absolutely necessary, and placed me in a very embarrassing situation." The burden of the letter was to the effect that no expense was to be incurred unless it was absolutely necessary for the protection of the lives and property of the people. Even in that event the expenses incurred could not be paid promptly.<sup>16</sup>

<sup>15</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 474-478.

The writer has been unable to find a record of the proceedings of the Board of Commissioners, although careful search was made in the State Archives and in the State Library.

<sup>16</sup> *Executive Journal*, 1858-1862, Vol. I, p. 449.

On June 21, 1861, Governor Kirkwood sent the following letter to the several members of the Board of Bond Commissioners:

"I have just received a dispatch from Washington City, saying that three additional regiments of Infantry, and one of Cavalry, have been accepted from this State.

"This will in my judgment render necessary a further sale of bonds.

"You are therefore required to meet me, at Des Moines, at 12 o'clock of Tuesday, the 2' day of July to attend a second session of the Board to determine the amount of bonds to be sold, under the law of the extra session, authorizing the sale of State Bonds."—*Executive Journal*, 1858-1862, Vol. I, p. 475.

It appears, however, that the other members of the board were not of the same opinion as the Governor and no authorization was given for the sale of additional bonds.

The loan agents advertised the sale in a statement giving the conditions of the sale and containing information concerning the bonds, which was published in many of the newspapers of the State. With the advertisement appeared the following proclamation by Governor Kirkwood, urging the people of the State to invest in the "State Stocks":

The State appeals to you in the present crisis. Three thousand of our young men have crowded to the field, as if to a banquet, cheerfully offering their lives to defend our country and its flag, and thousands more but await the opportunity to follow the glorious example. But to maintain those who have already gone, to equip those who may follow, money, "the means of war" must be had. In the great money marts of the country, the Eastern Cities, the bonds of the United States, and of the various loyal States, are seeking a market, and the supply there exceeds the demand. If all our bonds must be sold there, they will probably sell for less than par, thus lessening the means at the disposal of the State.

This appeal is therefore made to you, to step forward and render your aid to the State, and the country, in this their hour of peril. I am well aware that you are just recovering from the effects of the prostration of the prosperity of the State in 1857; that while rich in everything else we are poor in money; that it will require some sacrifice on our part to take these bonds. But will you not make that sacrifice? Your neighbors, your sons, your brothers, are freely periling their lives. Can not we who stay home make some sacrifice to aid them? Shall it be said that while so many are eager to undergo the toils, and perils, of a soldier's life, to defend our country's honor, none can be found to furnish the necessary means. The world cannot offer better securities than are the bonds of Iowa, and the pride and patriotism of her people, as well as their interest, require that these bonds shall be taken promptly, and at par. Within six months from the days that peace is declared, they will command a premium, and be eagerly sought by capitalists. Until that time, and in order to hasten that time, let those of you who can not show your patriotism otherwise, step forward, and by the performance of this duty, as important but less dangerous than that of the soldier, show that all the patriotism of Iowa is not in the camp with her soldiers.

Call meetings in your respective counties, place these matters fully and fairly before the people, and ask them if they will not, for the sake of the good cause and the credit of our young State, see to it that Iowa does her duty in money as well as in men.

There has been a manly strife among our Counties as to which should have the most men in the field. Let there now be a strife as earnest as to which, in proportion to its means, shall furnish the greater support in money.

There is not a man or woman in Iowa, who would not blush if we had to seek men outside of our State to fill the ranks of our regiments. Shall it be said that we had to go outside of our State for means to equip and pay them?<sup>17</sup>

In preparation for the sale of bonds in the East, the following advertisement was on June 14, 1861, sent by the Governor to the *New York Daily Times*, the *New York Tribune*, the *Daily New York Journal of Commerce*, the *Daily Boston Post*, the *Boston Daily Atlas*, and the *Daily Chicago Tribune*, with the request that it be printed in their regular issues until the 12th of July, 1861:<sup>18</sup>

#### SALE OF IOWA STATE STOCKS

PROPOSALS FOR A LOAN TO THE STATE OF IOWA OF A SUM NOT EXCEEDING \$400,000.—Sealed proposals will be received by the Under-signed agents, at the Metropolitan Bank in the City of New York until 12 O'clock M. of Saturday the 13<sup>th</sup> day of July next for loaning to the State of Iowa a sum not exceeding Four Hundred Thousand Dollars, being a part of a loan, not exceeding Eight Hundred Thousand Dollars, authorized by an act passed at the Extra session of the Eighth General Assembly entitled "AN ACT to provide for the issue and Sale of State Bonds, to procure a loan of money for the State of Iowa, to enable it to repel invasion and defend itself in War." Approved May 28, 1861.

The sum for which the sealed proposals, aforesaid will be received will fall short of \$400000 by the amount of that sum for

<sup>17</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 476-478.

<sup>18</sup> *Executive Journal*, 1858-1862, Vol. I, p. 451.

which Bonds may be sold in the State at private sale at their nominal par value previous to the 13, day of July 1861.

The Bonds for the sale of which the said sealed proposals will be received are in the sum of One Thousand, or Five Hundred Dollars each (at the option of the party making the proposal, to be expressed in said proposal) Signed by the Governor, Countersigned by the Auditor and Treasurer, and attested by the Great Seal of the State of Iowa, with interest coupons attached, signed by the Auditor of State, but not attested by the Great Seal of the State; providing for the reimbursement of the principal at the expiration of twenty years, from the date thereof, and for the payment of interest semi-annually on the first days of January and July of each year, at the rate of seven per cent per annum, both principal and interest on said Bonds being payable at the Metropolitan Bank in the City of New York, but the Governor may cause such payments to be made at any other place in the City of New York by giving thirty days public notice of such place in three newspapers in said City.

The State has irrevocably pledged its faith to provide adequate means to pay the interest on said Bonds as the same becomes due, and their principal at the expiration of twenty years, and for that purpose, all or so much as is necessary of the revenue arising from the entire taxable property of the State has been and is set apart and pledged for these purposes; and it is made the duty of the Census Board, or other proper officer or officers, (which duty it is provided by law, may if necessary be enforced by mandamus) to levy in each year, a tax sufficient for these purposes, after payment of all expenses of collection.

No tax it is provided by law shall ever be levied by the State of Iowa on the stock thereby created, nor on the interest which may be payable thereon, and that the value of said stock shall in no wise be impaired by the authority of the State but it is expressly provided that nothing in said law contained shall be so construed as to exempt from taxation any part of the Capital Stock of the Branches of the State Bank of Iowa.

The One Hundred Dollar Bonds authorized by said act will be sold if at all in the State.

No conditional proposal will be considered. The right is reserved to reject all or any such proposals if it shall be considered that such rejection will promote the best interests of the State.

The terms will be Specie payable in hand on delivery of the Bonds sold to the purchasers.

The proposals will be opened at 12 o'clock M. on the 13<sup>th</sup> day of July A. D. 1861, by the undersigned, at the place of reception in presence of such persons as may see proper to be present, and the loan awarded to the best and highest bidders if accepted, on the 15<sup>th</sup> day of July A. D. 1861.

Proposals must be addressed under seal to the undersigned care of Metropolitan Bank New York City, Marked "Proposals for Iowa State Loan".

A number of the certified copies of the act authorizing said Loan, and of the action of the Board of Commissioners there provided for with other documents pertaining thereto can be found at the Metropolitan Bank in the City of New York for inspection and examination.<sup>19</sup>

[signed] JOHN W. JONES	} Loan Agents
(Treasurer of State)	
MATURIN FISHER	

#### CAMPAIGN TO DISCREDIT THE IOWA BONDS

Bids for the bonds to the amount of about \$50,000, at par, were received from residents of the State within a few days after they were offered for sale,<sup>20</sup> and the indications were that the loan would be successfully floated. Then a campaign to discredit the "Iowa State Stocks" and prevent their sale at a good price was opened by the financial editor of the daily *New York Herald*. The financial and commercial columns of that paper for Monday, June 24, 1861, contained the following article:

Parties who are in search of investments during the war will find what they want in the loans being negotiated by the general government and the great free States of the North. These can generally be recommended as safe, and they are pretty sure to

<sup>19</sup> Manuscript copy, Miscellaneous Documents from Secretary of State's Office in State Archives.

<sup>20</sup> *Iowa State Register*, July 3, 1861.

yield a handsome income. Yesterday at noon the bids for \$1,200,000 new Indiana six per cents were opened at the office of Messrs. Winslow, Lanier & Co., in Wall street. They amounted to \$1,408,000, and there did not appear to be any mere speculative bids among them. The State agents at once decided to reject bids for about a million of dollars, which were below 85. They will decide tomorrow whether they cannot afford to place the limit even higher. This is a security which can be recommended to capitalists. The successful bidders at 85 will probably have an opportunity before long of selling out at a profit if they desire to do so. The new loans of the State of New York, Pennsylvania (which has been taken at par), Maine (part of which has been taken at a premium), New Jersey, Connecticut, Ohio and Illinois are likewise very desirable investments.

We must, however, make an exception to the general rule in the case of the proposed loan of the State of Iowa. That State is now in the market for a war loan. In order to borrow, without violating the State constitution, the State authorities are obliged to act on the fiction that the State is in danger of invasion. If the people of the State of Iowa had established a character for honor and integrity, the public would perhaps feel that the vice which thus taints the new loan in its inception would never be pleaded in bar of its due payment. But we regret to say that the people of the State of Iowa have earned precisely the character which warrants the belief that they would after they got the money, resort to this and every other available trick to defraud the parties who had lent it. There is hardly a town or a populous county in Iowa which is not at this moment evading or attempting to evade its most solemn obligations. Such towns as Davenport, Burlington, Dubuque, Keokuk, Muscatine, and such counties as Henry, Des Moines, &c., which have been built up by the railroads intersecting the State, are repudiating in the most barefaced manner the bonds they gave to help construct the roads, generally on the shameful plea that the towns and counties had no legal right to give the bonds which were in effect the cause of their prosperity. These repudiating tricks receive the countenance of the Iowa courts. As was the case a couple of years ago in Wisconsin, and for many years in Mississippi, courts, judges, lawyers, politicians and people are all leagued together to cheat their creditors. It is with regret that we feel it to be our duty to



protest against the negotiation of any Northern State loan in the present crisis. But the dishonesty of the towns and counties in Iowa has been so uniform and so flagrant of late that it would be inexcusable to permit their war loan to pass without remarking that it offers a tempting opportunity for repudiation, and that the people of Iowa have evidently no scruples of honor or honesty on the subject of repudiating their debts.<sup>21</sup>

Again on June 29th, the same paper in its general discussion of the financial market stated that one of their correspondents had just returned from a collecting tour in the West. His reports were discouraging: western debtors were very indifferent about fulfilling their obligations, while individuals, cities, and towns alike deemed it no disgrace to evade the payment of their debts. The financial editor warned eastern merchants against extending long credit to westerners and concluded his article with the advice that "no opportunity should be lost of teaching these western people the cost of dishonesty. There should not be a single bid for the Iowa State war loan of \$400,000, until the repudiating towns of that State — Burlington, Davenport, Keokuk, Muscatine, Dubuque, &c.,— and the repudiating counties — Henry, Des Moines &c.— have repented of their roguery, and commenced honestly to pay their debts."<sup>22</sup>

The citizens and newspapers of Iowa resented this unwarranted attack upon the credit of the State, but the *New York Herald* continued its campaign. In its issue for July 2, 1861, it stated that a letter had been received from a citizen of Iowa in which it was asserted that the payment of debts by the repudiating towns and counties of the State had been opposed only by individual taxpayers who would apply for an injunction and receive it, and not by the whole

<sup>21</sup> *New York Herald*, June 24, 1861.

<sup>22</sup> *New York Herald*, June 29, 1861.

community. The *Herald* thereupon elaborated an argument in which it declared that the Iowa war loan would be a very unsafe investment, because on the face of it, it was unconstitutional. That being the case, the State could not prevent individual taxpayers from procuring an injunction against the payment of the coupons on the ground of the unconstitutionality of the loan. It characterized as preposterous the idea that the State was in danger of invasion or that there was an insurrection or that the State was obliged to defend itself; and declared that no court could uphold the constitutionality of the law authorizing the loan. The law would be declared unconstitutional and the loan repudiated. Such action, the editor declared, could not occur in some States, because public opinion would not tolerate such a swindle; but in Iowa, where both cities and counties had repudiated their debts in the most barefaced way, no reliance was to be placed upon public opinion or public faith.<sup>23</sup>

A public meeting was held at Davenport on July 1st to consider the articles published in the *New York Herald* on the subject of the Iowa war loan; and a committee consisting of Messrs. Dillon, Dow, and Hill was appointed to prepare an answer. The committee prepared a brief argument showing: first, that the bond issue was permitted by the Constitution [Par. 4, Art. VII] and was therefore valid; and second, that Chief Justice Caton of the Illinois Supreme Court had declared valid the Illinois law authorizing a war loan, and that the Iowa constitutional provisions were the same as those of Illinois.<sup>24</sup> The report of the committee was published in full in the *New York Herald*, with the following comments:

One does not need to be a lawyer to perceive that the debt which the government of Iowa now proposes to contract is neither to "re-

<sup>23</sup> *New York Herald*, July 2, 1861.

<sup>24</sup> *New York Herald*, July 9, 1861; *Davenport Gazette*, July 2, 1861.

pel invasion" nor to "suppress insurrection" nor to "defend the State in War". It is for a wholly different purpose, never contemplated by the framers of the State constitution, viz.—to enable the State to fulfill its constitutional obligations to the federal government. No court of justice, whether in Iowa or out of it, could hold that the State is or has been in danger of "invasion" is prey to "insurrection", or in need of "defense in war". Nor does the extra judicial opinion of Chief Justice Caton, of Illinois, mend the matter. In the first place, the Chief Justice does not say that the Illinois bonds are valid. He merely says that bonds issued for the purposes specified in the State constitution—which these Iowa bonds are not—would be valid. But why waste time with Judges' opinions? There never has been any lack of judicial and extra-judicial opinions in favor of the validity of Western bonds before their negotiation. Such opinions only begin to grow scarce after the bonds have been sold and the money obtained. In all the Western States which have repudiated the unanimity of the courts in favor of the rights of creditors, before the people of the State had borrowed all the money they needed was as striking as their unanimity in opposition to the collection of debts afterwards. In some instances the same judges gave judgment both ways. In others, when the money had been borrowed, and no more could be had, the conscientious constituency threw the "creditors' judge" overboard, and elected a "debtors' judge" in his stead. It has been so in Iowa, and it is now time that the people of that State should feel the penalty of their conduct. The war bonds of the State of Iowa, which are to be awarded on Saturday next, are issued in direct violation of the constitution of that State, and will be pronounced unconstitutional, null and void by the courts on the application of any single tax payer. If the people of Iowa had shown, in their dealings with their creditors, a high sense of honor or honesty, that would constitute a guarantee against the repudiation of these bonds. What sense of honor or honesty prevails among the people of Iowa may be inferred from the fact that, with one or two exceptions, every city and every county in Iowa that ever borrowed a dollar has either absolutely repudiated or is trying to repudiate the debt on some shameful technical plea, and that in every instance the courts favor the repudiators.<sup>25</sup>

<sup>25</sup> *New York Herald*, July 10, 1861.

On the following day, July 11, 1861, two days before the bids for the Iowa war bonds were to be awarded, the *New York Herald* published the following letter without comment:<sup>26</sup>

TO THE EDITORS OF THE HERALD  
IOWA BONDS

New York, July 10, 1861.

Certain good citizens of Iowa are displeased with the course of the HERALD on the subject of Iowa bonds. They take some pains to explain and quote a judge from Illinois. In 1853 the Supreme Court of Iowa held that a county had the constitutional right to aid in building a railroad, and that section 114 of the Code applied to or included railroads. In 1855 the General Assembly provided (Sec. 2) that whenever a railroad should have received bonds of any city or county upon stock subscription, the rate of interest should be, &c. The same Legislature passed a law restricting judges and other officers as to the issue of such bonds. Thus the Legislature confirmed the views of the Supreme Court as to section 114, applying to railroads as well as to other roads. In 1857 the Supreme Court held that the question of legality of county subscriptions for railroads had been denied, and the decision would be adhered to. The *bona fide* holder must be protected. In 1858 the Supreme Court adhered to the same decision, and said that subject would not again be discussed. After a time the creation of indebtedness became so alarming, and the tendency to repudiate so decided, that in the new constitution a clause was inserted to legalize the amounts issued, and at the same time to restrict further issues. In 1859 the Supreme Court of Iowa held that section 114 was not to apply to railroads, and that when injunctions against the issue of bonds took place before the bonds reached the hands of the *bona fide* holders, the issue could be enjoined. The court — same term — held that where bonds had passed into the hands of *bona fide* holders they were valid and binding. Thus, till 1859, the Legislature and courts of Iowa upheld the bonds so long as it suited. How now? In 1861 the State courts and the federal courts in Iowa reversed all former decisions. The United States Judge decides, in

<sup>26</sup> *New York Herald*, July 11, 1861.

direct opposition to the United States Supreme Court, decisions in suits of Bondholders v Knox & Co., Indiana and Pittsburg City. The late decisions are a judicial repudiation of contracts in the face of prior judicial confirmation of same and similar contracts by the highest tribunal in the country. Now I ask if — when a Supreme Court has for years confirmed issues of bonds, and when the United States Supreme Court rules that such issues in *bona fide* holders' hands are good, and that the debtor cannot plead his own fault and neglect in extenuation of the debt — under these circumstances a future court can upset all that has been done since 1855, where is the security in any bond in Iowa? We simply see that an elective judiciary affords no security, and we cannot see that an elective State government can or will afford better security. If the atmosphere of Iowa is so poisoned that public opinion forces them to reverse repeated decisions of their highest tribunals, what guarantee have we that public opinion will not force the State authorities, sooner or later, to repudiate the proposed war debt? When judges and courts held office at the good will of the people, it becomes high time for the creditor, or proposed creditor, to inquire closely into the antecedents of the proposed debtor. What are the antecedents of the people of Iowa? Let the history of Dubuque, Lee, Muscatine, Burlington, &c., answer.

[Signed] ONE OF THE BITTEN ONES.

#### PREVIOUS DECISIONS OF THE COURTS

On the surface these charges against the counties and cities of Iowa were not without some justification. In many instances counties of the State had voted to exchange their bonds for stock in railroad companies. There had been several cases in the courts of the State either to enforce the payment of the bonds or to enjoin their issue, and there had been a difference of opinion in the court decisions. In the case of *Dubuque Co. vs. The Dubuque and Pacific Railroad Company*, the Supreme Court of Iowa held that section one hundred and fourteen of the *Code of 1851* was sufficient legislative authority to make the action of counties binding, but it was admitted that counties and municipalities had no

right to issue their bonds for railroad stock without legislative permission.<sup>27</sup>

In 1859, in the case of *Stokes vs. The County of Scott*, the Supreme Court decided that the counties of the State had no power to borrow money or subscribe for stock to aid in the construction of railroads; and held that the issuing of bonds by counties, or the transfer of such bonds by the corporations to whom they were issued could be restrained by injunction.<sup>28</sup> The same court later held that the General Assembly had no power to authorize counties, in their corporate capacity, to become stockholders in railroads, and that section one hundred and fourteen of the *Code of 1851* was not sufficient authority to empower counties and cities to issue their bonds in the aid of railroad construction.<sup>29</sup> These later decisions were not reversed.

The courts had, however, been very careful in rendering these decisions, to protect the interests of innocent purchasers, and the counties and cities were held responsible for their bonds in case they had been delivered into the hands of *bona fide* holders. No repudiation of real debts was possible and none took place. The railroad companies were, of course, losers because these decisions prevented cities and counties from over-burdening themselves in favor of the railroads.

#### DEFENSE OF THE CREDIT OF THE STATE

The newspapers of Iowa and officials and individual citizens of the State now did what they could to counteract the effect of the attack upon the credit of the State which threatened to make the bond issue a failure. The people of

<sup>27</sup> 4 Greene 1 (Iowa).

<sup>28</sup> 10 Iowa 166.

<sup>29</sup> State of Iowa, *ex rel.* The Burlington and Missouri River Railroad Company *v.* The County of Wapello, 13 Iowa 388.

Iowa were urged to purchase the bonds in order to keep the interest money in the State. Newspapers declared the bonds to be a safe investment and urged the desirability of investments not liable to taxations.<sup>30</sup> On July 2, 1861, Governor Kirkwood wrote to the officials of each of the branches of the State Bank of Iowa, expressing the hope that the branches would take at par the amount of State bonds needed by them to make up their safety funds, instead of bidding for the bonds in New York. It was known at home and abroad that the branches desired the State bonds for their safety funds. The Governor pointed out that the failure of the branches to take the bonds at par before they were offered for sale in New York would produce two bad results: first, it would discourage the people of Iowa from buying the bonds at par because they looked to the bankers as leaders and would follow their example; and second, for the branches to refuse to take the bonds at par would deter New York capitalists from taking them at par, because it would not be reasonable to expect outsiders to bid par for bonds which the leading men of the State issuing them indicated by their acts were not worth par. The Governor declared that the State had the right to expect much from the State Bank, that the bonds were intrinsically worth par, and pleaded that the matter be carefully considered and that the several branches make up their safety funds at home at par, thus aiding the credit of the State in a time of great need.<sup>31</sup>

On July 2, 1861, Mr. Hiram Price, an Iowa banker and financier, wrote to one of the State Loan Agents, who was at that time in New York, stating that in his opinion a combination existed to prevent the sale of Iowa bonds, except

<sup>30</sup> *The Dubuque Herald* (weekly), June 26, 1861, July 3, 1861; *Iowa State Register* (Des Moines), July 3, 1861.

<sup>31</sup> *Executive Journal*, 1858-1862, Vol. I, pp. 464, 465.

at a ruinous rate, and suggested that such a scheme might be "headed off" by arranging with someone to purchase a few bonds at an agreed price — eighty-five cents on the dollar for instance. If necessary the Agent could, of course, be prepared to take the bonds off the purchasers' hands at the rate paid. This plan, Mr. Price thought, would fix a New York price at a reasonable figure and enable the State Agent to sell some bonds at home. He emphasized the pressing necessity of selling bonds at once and expressed the conviction that sales could not be made in Iowa at a higher figure than that fixed in New York.<sup>32</sup> Justice George G. Wright of the Iowa Supreme Court wrote to State Treasurer and State Agent Jones on July 5th to the effect that the *New York Herald's* attack on the constitutionality of the Iowa war bonds was without foundation. He declared the law authorizing the bonds to be constitutional, and maintained that the counties and cities of the State had never repudiated any of their debts.<sup>33</sup> A few days later Chief Justice Ralph P. Lowe wrote to the State Treasurer the following letter:

Keokuk, Iowa, July 8, 1861

Hon. J. W. Jones, *State Treasurer* —

The constitutional validity of the State bonds upon which the war loan is being made having been questioned in some quarters, his Excellency Gov. Kirkwood has requested an opinion upon the subject from the supreme tribunal of the State. The constitution limits the State indebtedness to \$250,000, with an exception in the following words:

*"In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war."*

We are not at liberty to entertain a doubt that a state or condi-

<sup>32</sup> Miscellaneous Correspondence from the State Treasurer's Office in the State Archives, Des Moines.

<sup>33</sup> Miscellaneous Correspondence from the State Treasurer's Office in the State Archives, Des Moines.



tion of things exists in this country, which fully brings the power of the State, to contract a debt beyond this constitutional limit, within the true meaning and sense of the above exception. The doubt, if any is honestly cherished, must have had its origin in the idea, that the invasion or rebellion referred to must be local and confined to our own borders and not extra territorial.— This restricted interpretation of the constitution overlooks the true theory of our political system, the connection and dependencies subsisting between the State and Federal Governments, that the former is a member incorporate of the latter, deriving its limited sovereignty — its legal status — its rights and powers — its independence and liberty from the *Union*, the overthrow of which by a rebellion, could not occur without in an important sense affecting the political status of the State.

Whether, however, this be true or not, one thing is clear, that it is the exclusive province of the law-making power to judge of the necessity, and to determine whether a state of things exists, making it important for the safety of the State, that a loan of money should be effected, and inasmuch as the act authorizing the issue and sale of State Bonds to procure such loan, declares that it is to enable the State to repel invasion and defend itself in war, that that absolutely concludes the question, and that no court in this country, laying the slightest claim to respectability would undertake to determine that the facts were otherwise than as found by the General Assembly. I need not say, perhaps, that my associates, Judges Wright and Baldwin, concur substantially in the above opinion.

[Signed] R. P. LOWE, Chief Justice<sup>24</sup>

These opinions were published in the leading newspapers of the State, usually with editorials expressing approval.

#### THE FAILURE OF THE BOND SALE

In accordance with previous arrangements the State Loan Agents met in New York City on July 13, 1861, for the purpose of examining the proposals for the State war bonds. The market was flooded with the securities of the national government and with those of the other northern

<sup>24</sup> *Iowa State Register* (Des Moines), July 17, 1861.

States. In fact, it would not have been surprising had the proposals for the Iowa loan been made at less than par had there been no opposition to the sale from outside sources. Iowa securities had not been offered in the New York market: they were new and unknown. In addition to their newness the pre-sale campaign conducted by one of the leading New York newspapers against the proposed loan was to some extent successful in its effort to discredit the good faith of the State. Consequently, when the State Loan Agents opened the proposals for the Iowa war loan on July 13, 1861, they found that the bonds could be sold in New York only at a discount. The bids were as follows:<sup>35</sup>

<sup>35</sup> The report of the Loan Agents on the bids received in New York City, dated from the Metropolitan Bank, New York, July 13, 1861, reads as follows:

"The undersigned Agents for the State of Iowa for the purpose of negotiating a Loan of 400,000\$ in accordance with the provisions of An Act of the General Assembly of Said State approved May 28th 1861 met this day at 12 oclock M and proceeded to open the following proposals to wit

\$500	George Logan	at 85 cents
10,000	S. R. Comstock	80 cents
100,000	White Morris & Co.	85½ cents
50,000	White Morris & Co.	88 cents
50,000	R. Vallant	81 cents
30,000	R. Vallant	83½ cents
20,000	R. Vallant	86½ cents
15,000	R. Vallant	87 37/100 cents
5,000	B. F. Manierre	82 cents
15,000	B. F. Manierre	85½ cents
15,000	B. F. Manierre	87 cents
15,000	Frank W. Ballard	at 86 cents
10,000	Frank W. Ballard	86½ cents
57,000	Samuel Merrill	87½ cents
5,000	Cephas Brainard	81 cents
5,000	Cephas Brainard	83½ cents
5,000	Cephas Brainard	85 cents
3,000	Cephas Brainard	87½ cents
3,000	E. Clark for Iowa City Branch	92 cents
Total		\$403,500

"Now on this 15th day of July 1861 The Agents met at the Metropolitan Bank at 12 oclock M. and determined to reject all bids under 90 cents of the nominal par value of said 'Iowa State Stocks.' It is therefore agreed to accept the bid of E. Clark Esq. (for the Iowa City Branch of the State Bank

\$10,000 at 80 cents on the dollar; 55,000 at 81; 5000 at 82; 35,000 at 83½; 5500 at 85; 115,000 at 85½; 15,000 at 86; 30,000 at 86½; 5000 at 87; 15,000 at 87 37-100; 60,000 at 87½; 50,000 at 88; and 3000 at 92.

These proposals compared very favorably with those received by the other northern States, and taking into consideration the great need of the State for money at that time, it appears that the State would have done well to sell the bonds at the best obtainable price. The commissioners appointed to supervise the Loan Agents had met on July 3, 1861, however, and directed the Agents not to accept any proposals at less than ninety cents on the dollar of the par value of the bonds.<sup>36</sup> Therefore, when the Agents met on July 15, 1861, to accept or reject the proposals for the bonds the only proposal accepted was the bid of Mr. Ezekiel Clark

of Iowa) for 3000\$ of said Stocks in sums of 1000\$ each, at 92 cents and that all other bids for said Stocks be not accepted.—Legislative Acts for 1861 from the Governor's office in the State Archives, Des Moines.

The writer has been unable to find a copy of the complete report of the State Loan Agents. That they did make a formal report is known, because Governor Kirkwood transmitted a copy of the report to the General Assembly on January 22, 1862.—Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 427. The report was received by the House and the usual number of copies was ordered printed.—*House Journal*, 1862, p. 110. A plan for a formal report was found in the State Archives, but dates and totals were missing.

<sup>36</sup> The instructions to the State Loan Agents were as follows:

“Des Moines, Iowa, July 3, 1861

Gentlemen.

In pursuance of the 11th Section of the Act of the General Assembly of the State of Iowa, Approved May 28, 1861 Authorizing the issuing of State Bonds to the Amount of Eight Hundred Thousand Dollars, for the purpose of Creating a 'War and Defense Fund.' You are hereby directed to sell, in the manner pointed out in said act, the Bonds which by the order of this Board dated June 13th 1861 were directed to be issued and placed in your hands for that purpose, provided, that portion of said Bonds which are directed to be sold at public sale in the City of New York can be disposed of as therein contemplated at a price not less than Ninety (90) cents on the dollar of the par value thereof, but not otherwise.—Legislative Acts of 1861 from the Governor's office in the State Archives, Des Moines.

for three one thousand dollar bonds at ninety-two cents on the dollar. All other proposals were rejected. Mr. Clark's bid was made for the Iowa City branch of the State Bank of Iowa.

Since it was beyond the power of the State Agents to sell the bonds for what they would bring in New York City, they returned to Iowa and a campaign was inaugurated for the sale of bonds to the people of this State. On July 19th Governor Kirkwood issued the following stirring appeal to the people of Iowa :

When the President called upon the loyal people of the United States for help to save the government from rebels and traitors, no State responded more promptly than Iowa. Thousands of her sons are now in the field ready and eager to peril their lives in defense of their country. The base treachery of some of the sworn servants of the Government during the administration of Mr. Buchanan had so disorganized our Government that when the call was made for troops, the Administration was wholly unable to clothe and equip them in proper time, and it became necessary for the States furnishing troops to furnish also clothing and equipments. Of course these States were compelled to, and did incur expenses larger or smaller, in proportion to the troops called from and clothing and equipments furnished by each.

To meet the expenses thus incurred, and other expenses that might be incurred, the General Assembly, in extra session, provided by law for the sale of the bonds of the State. In accordance with that law, the bonds were advertised for sale in the city of New York, and, as I have reason to believe, certain parties in this State, combined together to depreciate the value of the bonds, for the purpose either of wholly preventing their sale or of compelling their sale at ruinous rates. The means by which they sought to effect this end was, to declare that the bonds were unconstitutionally issued, that the General Assembly of the State had been guilty of a gross fraud in authorizing their issue, and that the people of Iowa were so base and dishonest that they would hereafter repudiate the bonds that might be sold.

Whether the motive of these parties in publishing these vile

calumnies, and thereby seeking to discredit the bonds was to render the State unable to do her part in the struggle now going on for the preservation of the Union, and to that extent strengthen the hands of treason and rebellion, or to gratify a feeling of revenge for some real or supposed wrong inflicted by some portion of our people, or to enable the parties to buy up the bonds thus discredited by their own efforts, at ruinously low rates — is now not a question of practical importance. It is sufficient for us now to know that they have been successful, and that our bonds remain unsold.

This position of affairs is to me very annoying and perplexing. Relying upon the anticipated sales of these bonds, and carrying out your well known and clearly expressed wishes, I have incurred large expenses in enrolling, subsisting and clothing the brave men who are now in the field for the defense of the flag we all love so well. These expenses are wholly unpaid. In some instances the money is due directly to the persons who have generously advanced the money to meet pressing necessities. What renders this situation of affairs particularly unpleasant to myself individually, is the fact that it has been and is made a matter of serious complaint by many of you, that I have been too backward in expending the money of the State, while at the same time I was and still am unable to meet the pressing demands upon me for expenses already incurred.

Much complaint was made that our first three regiments were not clothed as soon as they should have been. They were clothed as soon as it could be done; and to-day, that clothing, worn by your sons and brothers, is unpaid for, while the person that furnished it is suffering for his pay. Complaint was also made that the money due by the State to our soldiers was not paid to them promptly. Before it could be paid to them it had to be borrowed. It was borrowed on the responsibility of Individuals; and, to-day these individuals are liable for, or have paid, the moneys thus paid to your soldiers. The expenses incurred in the various counties, for subsisting companies and transporting them to the place of rendezvous, have been paid by borrowing, and are due to the lenders, or are yet due to the persons who furnished the subsistence and transportation. At Keokuk certain patriotic individuals purchased a large amount of powder for the use of the State, giving their obligations therefor. I have not had the means to pay the debt thus incurred, and these parties have either had to pay it or go to protest. In short, the

entire amount of the expenses thus incurred, to enable the State of Iowa to do her share in the momentous struggle now going on for the preservation of the Union, is unpaid, and the parties to whom it is due are pressing for payment. Further expenses will necessarily be incurred. I am instructed to buy arms for the protection of our Southern and Western frontiers, but am unable to do so for want of means. I anticipate further requisitions of this State for troops, which must be met.

And now, men of Iowa, under these circumstances, I appeal to you for aid and assistance. Your bonds cannot be sold abroad. They must either be sold at home, or the State must suffer the disgrace, not only of failing to do her duty for the future, but of failing to pay the expenses already incurred. May I not confidently trust that every citizen of Iowa will feel that his own good name, as well as the good name of the State, is involved in this matter, and that I will have his hearty and effectual aid? May I not especially trust that those of you, who, perhaps without knowing the difficulties by which I have been surrounded, have thought my action has not been sufficiently prompt and energetic, will, now that these difficulties are understood, see to it that they shall be removed, and means shall be furnished for action as prompt and energetic as you may desire?

Let me earnestly entreat every man who has at heart the cause of the country and the good name of the State, to take hold of this matter and give me his active assistance. Let meetings of our people be called, and the wants of the State explained to them, and if I do not wholly mistake the people of Iowa, they will take care that the good name of our State shall not suffer, and will show that those of us who remain at home can do our duty to our country as well as those who follow our flag to the field of battle.<sup>37</sup>

This appeal was copied very widely by the newspapers of the State and editorials were written in the same tone.<sup>38</sup>

<sup>37</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 478-482.

<sup>38</sup> "The efforts of Secessionists in this State and stock-jobbing Shylocks in other States to reduce the market value of the War Bonds of Iowa to the lowest possible figure, have had the effect to prevent any negotiation of them except some \$3,000 which were sold in New York at 92 c, and a few thousand dollars worth in this State at par. The Agents have done their duty faithfully, but

It was a crisis in the history of the State and the people were implored to support the State by buying bonds. The *Dubuque Herald*, one of the most violently anti-administration papers of the State but one of the most ably edited, published the following article under the caption "*How Much Is Iowa Patriotism Worth?*":

It is a shame for Iowa to go to a distant market to negotiate the war loan of \$800,000. If the people of Iowa be really in earnest

rather than submit to unwarranted sacrifices in the sale of these obligations, they return to the People of Iowa, and an appeal will be found from the Governor on the first page of this week's *Register*, calling on all classes within the State to come forward and aid as far as possible in taking the first installment of the loan. Almost every property-holder can do something, and in this way aid needy creditors of the War Fund and preserve the obligations of the State from useless depreciation."—*Iowa State Register* (Des Moines), July 31, 1861.

"The Money Department of the New York *Herald* lately contained an article intended to embarrass the negotiation of the State bonds of this State authorized during the late Extra Session of the General Assembly. The pretext for it is the allegation that certain Cities and Counties in this State have attempted to escape the payment of indebtedness assumed for Railroad purposes, and that the Iowa Courts have been in collusion with the repudiators. The *Herald* article also says:

"'In order to borrow, without violating the State constitution, the State authorities are obliged to act on the fiction that the State is in danger of invasion.'

"Whether this attack of a venal New York journal upon the credit and good-faith of the People of Iowa is stimulated by holders of Corporation Railroad bonds or by Traitors in disguise who simply aim to embarrass the authorities of this State in rendering aid to the General Government in the effort to suppress Rebellion, is of very little consequence. The attack is unwarranted, wanton . . . .

"At the time the Legislature authorized this Loan, the danger of the invasion of the State, and the necessity for the suppression of rebellion, were no 'fiction'. They were stern facts. The Constitutional provision on this subject is precisely like the clause in the Illinois Constitution, under which the Loan bill in this State was authorized, and the *Herald* admits the validity of the Illinois War bonds. If the bonds of one State are worthless, so are those of the other.

"If the *Herald* knows anything of Iowa affairs, it knows that the bonds authorized during the late Session of the General Assembly, are issued in good faith and are as well secured as those of any State, East or West. That the authorities of a few River Cities and Counties have resisted the payment of

for the prosecution of the war, they can have no more tangible means of showing it practically than by subscribing for the war loan. If the patriotism of this State is not equal to shouldering \$800,000 of debt, how in the world will it be able to pay its portion of the 400,000,000 required by the President to prosecute the war, without knowing for certain that this amount will suffice. The people of Iowa ought to do one of two things; either insist upon the restoration of peace, or if they prefer and determine to have the war go on, strengthen the hands of the Government by contributing their share of the means absolutely needed it to prosecute to a successful issue. Curb stone patriotism, store box declamation, nor flag raising oratory will clothe, feed, transport and arm troops. It needs money to do this, and without money it cannot be done.

It is an outrage for the patriots of Iowa to send six thousand men into the field, and then go abroad into a foreign money market to raise funds to clothe, arm and feed them. Come ye war patriots, this will not do. Hand over the *spondulicks* or keep your patriotism pent up. Bogus patriotism is being detected now. Nothing will test it so effectually as to ask it to subscribe for the war loan.

Railroad bonds, have carried the matter to the Courts, and that the Courts in several instances have decided that the issues of that kind of evidence of indebtedness, was unauthorized under the Constitution and Laws of Iowa, is true. But that the People of the State, or even a majority of the People in the localities where the bonds were issued, approved of this attempted repudiation, there is no evidence. When the whole country was crazy with speculative ambition, these municipalities incurred this class of liabilities. When the re-action came, they could not pay even the interest on the bonds. For temporary relief they appealed to litigation. In this we think their action, ill-judged, wrong. But that the people of the whole State, should on this account be adjudged a community of repudiationists, is neither logical nor honorable. Iowa, previous to this War Loan, had a bonded debt of only \$200,000. This is not due until seven years hence. With the present revenue realized, this debt could be paid to-day, current liabilities also be met, and a balance left in the Treasury. No State, according to its population is in a better financial condition, and no State will be more ready to meet its promises to pay than Iowa.

"The Commissioners have authorized a present issue of only \$400,000 of bonds. Bids to the amount of \$50,000 of this amount at par have already been made by residents of the State. If the Bears of Wall Street taking counsel of the organ of the corruptionists, the *New York Herald*, conclude that they do not want any of our War Bonds at fair rates, the loan can all be taken at home, and at far better rates than anywhere else. The New York money lenders had better, however, think twice before throwing Iowa bonds out of market!"—*Iowa State Register* (Des Moines), July 3, 1861.



We move that every curb stone patriot, every store box declaimer, every war orator be handed the war loan subscription for this State. There are enough of them to take the whole loan without inconvenience. Will they do it? If they will we shall give them the credit of being in earnest, when they declaim in favor of, and putting down the rebellion.<sup>39</sup>

There was, however, a lack of unanimity of opinion in the State in regard to the constitutionality of the bond issue which tended to increase the embarrassment of the State administration and to further decrease the sale of bonds. At various Democratic county conventions held during the summer of 1861 resolutions were adopted declaring the law authorizing the State loan to be unconstitutional.<sup>40</sup> And the Democratic State Convention which met in Des Moines on July 24, 1861, adopted the following resolution: "That the indebtedness of the State now exceeds the limits fixed by the Constitution, and that the appropriation of \$800,000 made at the special session of the General Assembly, in the judgment of this Convention is unauthorized by the Constitution."<sup>41</sup> This resolution brought forth another article from the financial editor of the *New York Herald* in which he said:

We had occasion to refer to the unconstitutionality of the proposed Iowa War loan, which was fruitlessly offered for sale in this market about three weeks since. We were sharply taken to task for what we said by most of the Iowa papers, and were flatly contradicted by a report adopted at a meeting of citizens of Davenport, held to denounce our article. It seems, however, that there are people in Iowa who do not deem the views we held unsound. . . .

It would thus appear that our capitalists did not make so great a mistake, after all, in declining to subscribe to the Iowa loan.<sup>42</sup>

<sup>39</sup> *The Dubuque Herald* (weekly), July 17, 1861.

<sup>40</sup> *Iowa State Register* (Des Moines), July 17, 1861.

<sup>41</sup> *Iowa State Register* (Des Moines), July 31, 1861.

<sup>42</sup> *New York Herald*, August 3, 1861.

In spite of the campaign and the appeals made to the people of Iowa to buy the State bonds, few were sold and the State was in desperate financial straits. The money absolutely necessary for the work of preparing troops for Federal service could not be obtained. The receipts for the sale of bonds from the time they were offered for sale in July, 1861, until the close of the fiscal period on November 4, 1861, were as follows: July 31st, \$16,500; August 2nd, \$20,332; August 24th, \$19,504; September 2nd, \$3,496; October 3rd, \$12,144; October 23rd, \$6,992; November 2nd, \$2,300.

Thus \$86,000 worth of bonds were sold for \$81,268, or at an average rate of 94.5 cents on the dollar. On the other hand, there had been issued previous to November 4, 1861, War and Defense Fund warrants in the amount of \$233,568.43.<sup>43</sup>

#### IOWA IN FINANCIAL STRAITS

The creditors of the State were insisting that they should be paid. Several men had borrowed money on their individual notes with which to purchase supplies for the State, and because some of these men could not make payment when due their notes went to protest. Governor Kirkwood personally borrowed more money for State use than he was worth, and his notes were protested. Samuel Merrill, Hiram Price, Ezekiel Clark, Samuel F. Miller, and others also borrowed money before the bonds were placed on sale, especially for the purpose of paying the troops and arming them, relying on the sale of bonds to provide funds with which to refund the amounts advanced.<sup>44</sup> These men advanced cash for military purposes and were forced in return

<sup>43</sup> *Report of the State Auditor, 1861*, pp. 14, 15.

<sup>44</sup> *Kirkwood's Military Letter Book*, No. 1, pp. 89, 271, 272; *Shambaugh's Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 443-447.

to take warrants which were discounted, and they thereby lost money. Arms sent to Burlington by the United States were held by the express company for nine hundred dollars in charges. Blankets sent to Davenport were held for five hundred dollars in freight charges, but the State had no money and could not secure possession of them. In these instances Hiram Price raised the money on his personal credit.<sup>45</sup>

When the bonds failed to sell Governor Kirkwood was desperate. He did all in his power during the early summer to increase the sale of bonds, but they would not bring in the necessary money. Early in September, therefore, Kirkwood went to Washington, and in some manner succeeded in securing from the Federal government in United States treasury notes (actual money) the sum of \$80,000 as an advance refund to the State for the expenditures made by it for the Federal government.<sup>46</sup> This sum was paid into the State treasury on October 12, 1861,<sup>47</sup> and helped very materially in tiding the credit of the State over the most difficult financial crisis of the war period and of its whole history.

Throughout the year 1861, however, the State administration was handicapped by the lack of funds. A large proportion of the bonds sold were exchanged for warrants on the War and Defense Fund, and so did not bring actual cash into the treasury. The effort was constantly being made to exchange State bonds for necessary supplies and equipment. The letters of the Governor's military secretary to State creditors and to firms having equipment for sale were written in the same tone throughout the latter part of the

<sup>45</sup> *Annals of Iowa* (Third Series), Vol. I, pp. 594, 595.

<sup>46</sup> Kirkwood's *Military Letter Book*, No. 1, p. 341; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 443.

<sup>47</sup> *Report of the State Treasurer*, 1861, p. 8.

year 1861. In September, 1861, he wrote to Captain M. V. McKinney of Des Moines as follows: "You ask for arms. The State has none and can get none for want of means. Our bonds do not sell at home or abroad and until they do no arms can be purchased."<sup>48</sup> In answer to another letter demanding arms the secretary suggested that the people at home who could afford to buy bonds and did not would suffer only a just retribution should they be left unprotected.<sup>49</sup> To firms soliciting orders for arms, tents, and other military equipment for the State the secretary frankly stated that the State needed the equipment, but had no funds. He reiterated the statement that the State bonds were a good investment and that purchases of equipment would probably be made on condition that State bonds be taken in payment.<sup>50</sup> Unfortunately the writer has not been able to determine the amount of bonds disposed of in this manner. The secretary's replies to the complaints of the State's creditors in regard to the non-payment of warrants varied but little in content: the Governor had no money with which to pay debts, the State bonds would not sell, and the Governor was himself a heavy loser, besides being personally under protest for thousands of dollars which he could not pay. Everything possible would be done, however, to secure a speedy settlement with the State's creditors.<sup>51</sup>

#### GRADUAL DISAPPEARANCE OF DIFFICULTIES

In addition to securing the immediate refund of \$80,000 to the State from the Federal government, Governor Kirkwood succeeded also in decreasing the drain upon the State

<sup>48</sup> Kirkwood's *Military Letter Book*, No. 1, pp. 299, 314.

<sup>49</sup> Kirkwood's *Military Letter Book*, No. 1, pp. 345, 355.

<sup>50</sup> Kirkwood's *Military Letter Book*, No. 1, pp. 329, 359, 413, 415, 423, 439.

<sup>51</sup> Kirkwood's *Military Letter Book*, No. 1, pp. 320, 341, 369; No. 2, p. 23.

War and Defense Fund. He made arrangements with the general government whereby the Iowa troops, when they received their first pay from the United States, were paid at the same time and by the same United States officer for the time they had served in the State service before being mustered into the service of the Federal government.<sup>52</sup> Moreover, the Governor did not attempt to provide clothing and arms for any of the Iowa troops except the first three regiments. He found that whatever could be furnished by the people of the State was furnished promptly on State credit, but arms and clothing and the other necessities not produced by the people of the State could be procured only with money — and thus could not be procured at all. This inability of the State to clothe and arm its troops was a matter of much mortification to the government and to the people of the State. Nevertheless, the result was probably more favorable both for the troops and for the government, because the general government could supply the necessary equipment of a better grade and more economically than the State could have done.<sup>53</sup>

These changes greatly relieved the strain on the War and Defense Fund and conditions rapidly improved. It is true that the bonds did not sell readily for cash, but they were taken by persons to whom the State owed money — usually at the rate of about ninety-two cents on the dollar. In December, 1861, Mr. Hiram Price wrote to the Governor and to the State Treasurer advocating the withdrawal of the bonds from the market. He said the situation was improving all the time, and the issue or sale of the bonds below par might as well be stopped.<sup>54</sup> In reply Governor Kirk-

<sup>52</sup> Kirkwood's *Military Letter Book*, No. 1, p. 449.

<sup>53</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 276, 277.

<sup>54</sup> Miscellaneous Correspondence from the State Treasurer's Office (1861) in the State Archives, Des Moines.

wood said that it would be a very difficult matter to stop the sale of bonds, because persons holding War and Defense Fund warrants were continually sending them in for redemption. Since the State had no money with which to redeem such warrants it would amount to practical repudiation should it refuse to exchange bonds for the warrants. Moreover, only a few bonds were being sold and the Governor expressed the opinion that if the auditing commission could only finish its work, and if the State could secure a settlement of its claims against the general government difficulties would soon disappear.<sup>55</sup> Other letters to the State Treasurer indicate that there was a steady, although not large, exchange of State bonds either for cash or State warrants.

## RESULTS OF THE BOND SALE

During the early part of the year 1862 the Treasurer continued to exchange State bonds for State warrants and to sell bonds for cash when occasion offered, but no active campaign for the sale of bonds seems to have been attempted. And according to the reports of the State Auditor and State Treasurer, none of the War and Defense bonds were sold or exchanged for warrants after September 1, 1862. The following table shows the amounts received from the sale of State bonds:<sup>56</sup>

Total amount received up to November 4, 1861,	\$81,268.00
Received November 4, 1861, to March 1, 1862,	92,092.00
Received from March 1, 1862, to May 31, 1862,	67,784.00
Received from May 31, 1862, to August 30, 1862,	36,176.00
	<hr/>
	\$277,320.00

Only a limited amount of these bonds were sold — a total

<sup>55</sup> *Executive Journal*, 1858-1862, Vol. I, pp. 537, 538, December 20, 1861.

<sup>56</sup> *Report of the State Auditor*, 1861, p. 14; 1863, pp. 6-10.

of \$300,000 out of the \$400,000 authorized by the Board of Commissioners. The \$300,000 worth which were sold brought into the State treasury in cash and evidences of indebtedness a total of \$277,320, or an average of 92.44 cents on the dollar.<sup>57</sup> There seems to have been no official withdrawal of the bonds from the market, and inquiries continued to come to the Treasurer in regard to them; but no more were issued. In June, 1862, however, a meeting of the Board of Commissioners was held for the purpose of considering the propriety of withdrawing the State bonds from further sale.<sup>58</sup> The writer has been unable to locate the record of the proceedings of the board at this meeting, but as no more bonds were sold although offers were made for large numbers of them, it is safe to assume that the withdrawal from further sale was authorized.

#### SUMMARY

After the first shock of the war and the accompanying demoralization Governor Kirkwood, with his unyielding resoluteness and determination, gradually succeeded in securing an efficient and economical administration of the State's business. When he retired from office there was money in the treasury, the credit of the State was good, and the State bonds were selling at a premium.<sup>59</sup>

Iowa's difficulty in selling bonds in 1861 was, of course, only an incident in the momentous period of the Civil War so filled with many larger and more important features. To the people of Iowa, however, the failure of the bond sale was a severe disappointment. The bonds were issued in good faith and on good security and the people of the State

<sup>57</sup> *Report of the State Auditor*, 1865, pp. 5, 16.

<sup>58</sup> Kirkwood's *Military Letter Book*, No. 2, pp. 183, 184, 185.

<sup>59</sup> Iowa bonds were quoted at a premium in the *Banker's Magazine*, Vol. 19 (1864), pp. 77, 238, 767, 1019.

expected them to sell at par. When the good faith and credit of the State was attacked by one of the influential eastern newspapers — which it appears had been influenced by a group of unscrupulous men for selfish purposes — the people of Iowa considered the attack more seriously than did any one else. The Bond Commissioners met immediately and directed the State Agents not to sell any bonds for less than ninety cents on the dollar, which was more than the securities of most of the other northern States were selling for at that time. When the proposals were opened there were bids for more than the total issue at above eighty cents on the dollar, but there were practically no offers at above ninety cents. Had the Bond Commissioners allowed the Agents to accept eighty-five cents the bonds could have been sold and the administration would not have been so embarrassed for the means to carry on the State's part in the war. As it was, the lack of money throughout the first year of the war was a disheartening handicap to the Governor. He managed, however, to accomplish whatever had to be done and the State suffered no permanent loss through the failure of the bonds to sell at par. The State pride of the people was hurt, but rigid economy was enforced. The State did its part in helping to preserve the Union. It refused to sell its bonds at a large discount and suffered temporarily for the refusal. It vindicated its good faith: the interest on the bonds sold was paid promptly and the principal was redeemed when it became due. And at the close of the war the State had an outstanding indebtedness, on account of the war, of only \$300,000.

IVAN L. POLLOCK

THE STATE UNIVERSITY OF IOWA  
IOWA CITY



## THE LEGISLATION OF THE THIRTY-SEVENTH GENERAL ASSEMBLY OF IOWA

In reviewing the work of the Thirty-sixth General Assembly in 1915 the writer called attention to the fact that the berating of legislative bodies had become a habit with the American people; and he quoted an editorial from the *Chicago Tribune* in which the editor expressed his contempt for the work of the Illinois Assembly of that year. In refreshing contrast is an editorial in the *Chicago Herald* for June 19, 1917, entitled *An Excellent Legislature*, in which the Illinois Assembly of 1917 is eulogized as "an epochal legislature". As usual the Governor is given the chief credit for what was accomplished. "Without the governor's leadership", says the editor of the *Herald*, "these measures of genuine worth would have experienced great difficulty in finding safe routes to the statute books."

In the East the legislature of Pennsylvania for the year 1917 receives a scathing denunciation in the July issue of *Equity*. Under the headline of *Legislation by Larceny*, the editor says: "Of all the state law-making bodies of 1917 it is doubtful if any can approach the record of the Pennsylvania legislature for inefficiency and corruption." Then he relates that on June 21st, with the end of the session definitely fixed a few days thereafter, a bill which aimed to place the city of Philadelphia in a position to deal on equal terms with the existing transit corporation was "deliberately stolen" and taken away from the capitol by one of the members, who afterwards admitted that he had done so "at the request of men higher up", in order that the measure could not come up for passage before adjournment.

The General Assemblies of Iowa have sometimes been spoken of as "progressive", as "conservative", as "radical", as "do nothing", or as "reactionary"; but never, to the writer's knowledge, have they been designated as dishonest or corrupt. In 1915 the Thirty-sixth General Assembly was dubbed reactionary, as was also the Thirty-seventh following the election of the Speaker. But the laws enacted in 1917 are largely progressive in character.

Not many new laws were added to the statute books in 1917 — the greater part of the work of the Assembly being the repealing or amending of existing laws and the passage of legalizing acts.<sup>1</sup> Thus, the Thirty-seventh General Assembly amended or repealed seventy-six sections of the *Code of 1897*, one hundred and seventy-six sections of the *Supplement to the Code of Iowa, 1913*, and one hundred and twelve sections of the acts of the preceding assembly, known as the *Supplemental Supplement to the Code of Iowa, 1915* — making a total of three hundred and sixty-four sections of previously existing laws which were either amended or repealed.<sup>2</sup>

The Thirty-seventh General Assembly was in actual session seventy-four days.<sup>3</sup> During this period 1224 bills and twenty-four joint resolutions were introduced, of which 601 were Senate bills and 623 were House bills — there being sixteen Senate resolutions and eight House resolutions.<sup>4</sup> Of these 1248 legislative propositions, 434 were passed by both houses. Two of these, though signed by the Governor, fail to show the signature of the Speaker, and hence, under the ruling of the Supreme Court of Iowa, do not become law. At the time of adjournment the Governor had in his

<sup>1</sup> One hundred and two legalizing acts were passed.

<sup>2</sup> *Acts of the Thirty-seventh General Assembly*, p. 500.

<sup>3</sup> The session began on January 8, 1917, and ended on April 14, 1917.

<sup>4</sup> *Index and History of Senate and House Bills*, No. 5, April 14, 1917, p. 3.

hands 180 bills and resolutions awaiting his signature. Of these he signed all but two.<sup>5</sup> Thus, 420 acts and twelve resolutions represent the legislative output of the General Assembly of Iowa in 1917.

As usual a considerable part of the legislation of 1917 passed the Assembly during the last week of the session. On April 9th, the beginning of the last week of the session, only 180 acts had been passed and approved by the Governor. A sifting committee began its work in the Senate on April 2nd, while the House sifting committee did not take charge until April 10th. During the last week of the session the Senate passed sixty-two Senate bills and seventy-five House bills; while the House passed fifty-two House bills and one hundred and four Senate bills. Thus nearly two-thirds of the legislation enacted was passed during the last week, giving the usual whirlwind finish to the work of the Assembly.

In the following pages the writer has attempted to outline and explain only those acts which seem to him to be of most importance; and the classification of the subject-matter is made without reference to the classification employed in the Code and its Supplements. The unscientific method of making laws renders it very difficult for the average citizen to understand legislation as it is enacted. When one act repeals an existing law and enacts a substitute, it often requires the most careful comparative reading

<sup>5</sup> After the adjournment of the General Assembly the Governor has the right to hold all acts left in his hands for thirty days. He signed 178 of the 180 bills left with him on the following days:

Adjournment occurred on April 14th, 1917.

On April 16th the Governor signed two bills, on April 17th three bills, on April 21st thirty-two bills, on April 23rd thirty-four bills, on April 24th fifty-seven bills, on April 25th forty-five bills, on May 10th two bills, on May 14th three bills, making a total of one hundred and seventy-eight bills.

Two bills were vetoed.

to note wherein the two differ. Sometimes there is only the omission or addition of a word or two, or the change may consist in the modification of the tense of a verb. Or, as is often the case, an act strikes from a certain line of a certain section of the Code a single word and inserts in lieu thereof another, or it may insert between two words another, without in any way indicating how the original law will be affected by such changes. And yet such slight changes in existing laws may double or reduce the expense of a particular charge on the State treasury, or they may increase or reduce the penalty for a particular crime. The reader gains practically no conception of the purpose of the law by reading it as enacted; and probably few members of the legislature take the time to ferret out the real nature of proposed changes. Moreover, if the changes deal with highly technical subjects, one is little wiser for his investigation without expert aid.

It is not the purpose of this paper to criticise the acts of the Thirty-seventh General Assembly, but rather to give a brief summary of the product of its legislative labors.

#### THE LAWS

It will be recalled that the Thirty-sixth General Assembly abandoned the old plan of publishing the session laws; instead, the laws of a general and permanent nature were to be compiled and adjusted to their proper places, as designated by the titles, chapters, and sections of the Code and its Supplements. One of the first acts of the Thirty-seventh General Assembly was to overthrow the new system and return to the old plan of issuing the session laws, except that instead of arranging the laws so as to group acts of a similar nature, the Supreme Court Reporter was directed to arrange them in the order in which they are filed in the office of the Secretary of State.<sup>6</sup> Moreover, the sum of \$600

<sup>6</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 5.

was appropriated with which to publish the acts of the Thirty-sixth General Assembly, according to the old plan.<sup>7</sup> There was also enacted a statute which requires the enrolling clerk of each house, in the preparation of each enrolled bill or resolution, to prepare and immediately deliver a carbon copy of the same to the Reporter of the Supreme Court in order to facilitate that officer's work in the issuance of Supplements to the Code.<sup>8</sup>

To aid the members of the legislature and the public in knowing the status and fate of the numerous legislative proposals, provision was made for the printing of a classified index of bills, "giving detailed information as to the status of all pending legislation", to be printed at intervals during the session, each subsequent issue being cumulative.<sup>9</sup>

Three bills relating to the laws failed to pass. The first was a measure, strongly recommended by the Governor, to create a commission to codify the laws and report to the Thirty-eighth General Assembly.<sup>10</sup> The second proposed to limit each member to the introduction of four bills at a single session — a proposition that was immediately recommended for indefinite postponement.<sup>11</sup> The third would have required all bills recommended for passage to be referred to the Attorney General for examination before passage;<sup>12</sup> but the judiciary committee evidently resented the inference that the Assembly did not know how to properly draw up bills and recommended the proposition for indefinite postponement — which report was promptly adopted.

<sup>7</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 219.

<sup>8</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 20.

<sup>9</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 9.

<sup>10</sup> *Senate File*, No. 2.

<sup>11</sup> *House File*, No. 45.

<sup>12</sup> *Senate File*, No. 12.

Had the Attorney General been given the duty of examining bills before their passage, mistakes such as the following would probably not have occurred. On April 7th the Governor signed an act which repealed Section 2733-1a of the *Supplemental Supplement to the Code of Iowa, 1915*,<sup>13</sup> and enacted a substitute therefor which went into force by publication on April 16th; then on April 25th the Governor signed another act — which must have been passed in the closing days of the session — which amends Section 2733-1a of the *Supplemental Supplement to the Code of Iowa, 1915*,<sup>14</sup> which had already been repealed. Again, two acts signed by the Governor on the same day amend the same section of the *Supplemental Supplement to the Code of Iowa, 1915*:<sup>15</sup> Section 2 of Chapter 349 of the *Acts and Joint Resolutions of the Thirty-seventh General Assembly* amends Section 2692-c of the *Supplemental Supplement to the Code of Iowa, 1915*, by increasing the appropriation therein provided from \$7000 to \$7300; while another act, which appears as Chapter 370 of the *Acts and Joint Resolutions of the Thirty-seventh General Assembly* amends the same section (2692-c) of the *Supplemental Supplement to the Code of Iowa, 1915*, by increasing the appropriation from \$7000 (which Chapter 349 had made \$7300) to \$9000.

## PUBLIC PRINTING

The long fight on the offices of State Printer and State Binder terminated in an act to abolish both offices at the end of the terms of the present incumbents, after which time the work will be let on a plan of competitive bids. Under the new plan the Governor, Secretary of State, State Auditor, and State Treasurer will constitute a board of

<sup>13</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 156.

<sup>14</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 386.

<sup>15</sup> *Acts of the Thirty-seventh General Assembly*, Chs. 349, 370.

public printing and binding, and the State Document Editor will be the secretary of the board. This board will, after January 1, 1919, have immediate charge of all printing and binding, making specifications and letting contracts.<sup>16</sup> The *Iowa Homestead*, which had long led the fight against the State Printer and the State Binder, declared that the abolition of the offices put an end to a system which has been a source of public scandal for over twenty years.

In the matter of county printing, the law was made more explicit concerning the method of determining the two newspapers in the county, having the largest number of bona fide yearly subscribers, which should be designated as official county papers.<sup>17</sup>

#### SUFFRAGE AND ELECTIONS

A tendency toward reaction on the part of the Thirty-seventh General Assembly is apparent in legislation pertaining to elections. The presidential preference primary law was repealed:<sup>18</sup> it was declared to have been a farce and a failure. A bill repealing the non-partisan judiciary law and restoring the party circle on the Australian ballot, passed both houses, but was vetoed by the Governor after adjournment.<sup>19</sup> The size of cities in which the registration of voters is required was raised from 3500 to 6000.<sup>20</sup>

Important amendments were made to the absent voters law. The form of affidavit to be made by an absent voter was modified so as to include the registration of the voter where registration is required. Formerly the absent voter could avail himself of the law only if registered. Furthermore, the law as it now stands permits a disabled voter to

<sup>16</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 183.

<sup>17</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 408.

<sup>18</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 14.

<sup>19</sup> *Senate File*, No. 16.

<sup>20</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 41.

cast his ballot without personally attending the polls on election day.<sup>21</sup> The creation of voting precincts in school districts of 6000 or more inhabitants was provided for, but without requiring the preparation of a new register of voters for such election.<sup>22</sup> A few minor changes (chiefly in wording) were made in that part of Section 1090 of the *Supplement to the Code of Iowa, 1913*, prohibiting the formation of election precincts containing different townships or parts thereof.<sup>23</sup>

Although the woman's suffrage amendment was defeated by a majority of ten thousand in 1916, the Thirty-seventh General Assembly by an overwhelming vote went on record as favoring the resubmission of the amendment to the people, the joint resolution proposing equal suffrage passing the Senate by a vote of thirty-five to thirteen and the House by a vote of eighty-six to twenty.<sup>24</sup>

#### THE GOVERNOR AND THE EXECUTIVE DEPARTMENT

When the seventeenth amendment to the Constitution of the United States was adopted in 1912 it provided that in case of a vacancy in the office of United States Senator, a new election was to be called to fill such vacancy unless the legislature had authorized the Governor to fill the vacancy. The Assembly here under review authorized the Governor to fill such a vacancy until the people are able to elect a successor at the next general election.<sup>25</sup>

The most important legislation relating to the executive department is an act relating to law enforcement by the Governor and the Attorney General.<sup>26</sup> In a State where

<sup>21</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 419.

<sup>22</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 225.

<sup>23</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 66.

<sup>24</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 153.

<sup>25</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 401.

<sup>26</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 231.



administration has been as decentralized as in Iowa, the provisions of this act seem revolutionary: for their purpose is to centralize authority for the administration of the law in the hands of the Governor and the Attorney General. Either of these State officials may call to their aid any peace officer in the State for the purpose of rendering assistance "in procuring evidence, ferreting out crime, prosecuting law violators or otherwise enforcing the law" in any part of the State. The act also appropriates \$25,000 per year with which to employ detectives or other persons to aid in the enforcement of the laws. Under this act the Attorney General could order half of the detectives or police force of Des Moines to go to Davenport for the purpose of putting a stop to bootlegging.

Another act which temporarily gives the Governor added power will be considered under the heading of war measures.

#### STATE JUDICIARY

As previously mentioned the non-partisan judiciary law was saved from repeal only by the intervention of the Governor's veto. An attempt to correct one of the chief evils of this law passed the Senate by a vote of forty-one to four, but was left at adjournment in the hands of the sifting committee of the House. This bill proposed to put the judicial ticket on a separate ballot, thus calling the especial attention of the voter to it.<sup>27</sup> The attempt to add an extra judge to the Supreme Court of the State failed of passage.<sup>28</sup>

The tendency to add additional judges to the district courts was again manifest, an additional judge being provided for in each of the following districts, namely, the

<sup>27</sup> *Senate File*, No. 213.

<sup>28</sup> *House File*, No. 403.

third,<sup>29</sup> the eleventh,<sup>30</sup> the fourteenth,<sup>31</sup> and the eighteenth.<sup>32</sup> In each case the Governor was given power to appoint the new judge until the general election of 1918, when the people of the district will elect a successor. The law relating to the judges of the seventh district was amended so that each county of the district should have at least one resident judge.<sup>33</sup> The Governor allowed this act to become a law without his signature.

The salaries of all the district judges were increased from \$3500 to \$4000;<sup>34</sup> and the shorthand reporters of the superior courts may now receive eight dollars per day instead of five.<sup>35</sup>

#### STATE OFFICES AND OFFICERS

A law passed by the General Assembly resulted in putting the office of State Superintendent of Public Instruction back on the elective list.<sup>36</sup>

Added powers of the Attorney General have already been mentioned. He was also authorized to appoint four assistants, instead of one, to help him in enforcing the laws.<sup>37</sup>

The Curator of the Historical Department was authorized, as trustee of the State, to accept gifts of property (real, personal, or mixed) for the benefit or endowment of the department, or "for the commemoration of the lives of

<sup>29</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 257.

<sup>30</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 256.

<sup>31</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 255.

<sup>32</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 257.

<sup>33</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 91.

<sup>34</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 235. This act alone adds over \$90,000 to the expenses of the State for the ensuing biennial period.

<sup>35</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 186.

<sup>36</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 318.

<sup>37</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 350.

worthy citizens, or for the purpose of perpetuating historic events, or for scenic or scientific purposes."<sup>38</sup>

In the matter of compensation it appears that the salary of the Adjutant General was raised from \$2700 to \$3000;<sup>39</sup> that of the secretary of the Board of Railroad Commissioners was raised from \$1800 to \$2200;<sup>40</sup> and the remuneration of the State agents for institutions under the Board of Control was raised from \$75 per month to \$100.<sup>41</sup>

A blow at nepotism was contemplated in a bill making unlawful the employment of relatives in public office by public officials. The bill passed the Senate, but was killed in the House by the adoption of a motion to strike out the enacting clause.<sup>42</sup>

#### NEW OFFICES CREATED

Provision was made for the creation of the following new offices: State Banking Commissioner, State Registrar of Vital Statistics, State Apiarist, and County Road Patrolmen — each of which will be considered under special headings.

#### COUNTY OFFICERS AND COUNTY GOVERNMENT

Senate File 474, a bill fixing the terms of all county officers at four years and extending the terms of the present incumbents two years, passed both houses safely; but just before it was to go to the Governor for his signature, suspicion was aroused that this bill was something of a Trojan Horse and so the Senate recalled the measure from the Committee on Enrolled Bills.

The law which, heretofore, enumerated certain local offi-

<sup>38</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 333.

<sup>39</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 374.

<sup>40</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 315.

<sup>41</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 349.

<sup>42</sup> *Senate File*, No. 218.

cers who were subject to removal was amended so as to make all elective county, city, and town officers subject to removal.<sup>43</sup>

That often amended section of the Code relating to the sheriffs' fees was repealed and a new act substituted. The old law contained twenty-three paragraphs, while the new act contains but eighteen. Most of the new act is simply a rewriting of the old law, with the exception of omitted paragraphs. The omissions will deprive the sheriff of considerable money in the way of fees; but his allowance for mileage was increased to ten cents per mile and his compensation for boarding prisoners was increased from twelve and a half cents per meal to fifteen cents. Likewise, his charge for lodging was increased to fifteen cents. He was also allowed five cents per day for waiting on and for washing for prisoners. Thus even in the county jail the cost of living has gone up. The last section of the act provides that the amounts allowed the sheriff for mileage and necessary and actual expenses paid by him, and for care of prisoners may be retained by him in addition to his salary; but all other fees of every kind which he receives in his official capacity must be paid into the county treasury.<sup>44</sup>

A revision was effected in the salary scale of county clerks, eleven classes being established according to the population of the counties. In the first seven classes an increase of \$300 per year was allowed; while no additional allowance was made in the last four classes. Heretofore boards of supervisors have been authorized to grant an additional \$300 compensation to clerks if they saw fit. This provision was repealed and the law distinctly states that the salaries provided for in this act shall be in full compen-

<sup>43</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 391.

<sup>44</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 49.

sation of all services performed by him in his official capacity as clerk of the district court.<sup>45</sup>

Good care of the deputy county officers was taken by the Thirty-seventh General Assembly. A revision of the population scale, which determines the compensation of assistant county attorneys, was made by which such officers in counties of less than forty-five thousand inhabitants, as well as those in counties of over forty-five thousand, will receive an increase in salary.<sup>46</sup>

Deputy clerks, auditors, treasurers, and recorders will hereafter receive a compensation of not less than one-half that of the principal and not exceeding \$1200.<sup>47</sup> The old law limited their compensation to \$900.

The county treasurer was authorized to appoint a resident collector of taxes in cities of over six thousand, not county seats, in counties having a population of 53,000 to 70,000.<sup>48</sup>

County attorneys were released from the provisions of Section 301 of the *Supplemental Supplement to the Code of Iowa, 1915*, providing that they should not appear before the board of supervisors in applications to establish, vacate, or alter highways.<sup>49</sup>

Section 471 of the Code forbidding the county auditor to issue any county warrant except upon the recorded vote or resolution of the board of supervisors, except for jury fees, was repealed; and the substitute which was enacted enumerates five different cases, all connected with the work of the courts, in which the auditor is permitted to draw warrants before the bills have been passed upon by the board of

<sup>45</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 426.

<sup>46</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 21.

<sup>47</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 77.

<sup>48</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 331.

<sup>49</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 58.

supervisors. The act also permits the board of supervisors to authorize the auditor to issue warrants, when the board is not in session, for certain fixed charges and for salaries previously fixed.<sup>50</sup>

The fees heretofore charged by the county auditor for recording official bonds were abolished.<sup>51</sup>

An attempt to put the county superintendent of schools back upon the elective list failed,<sup>52</sup> but the power of the superintendent to appoint a deputy was made subject to the approval of the board of supervisors, which must appear as a matter of record.<sup>53</sup>

The provisions of the Constitution of Iowa that the General Assembly shall pass no local or special law for locating or changing county seats, has been an annoying obstacle to the representative from Linn County resident in Cedar Rapids. For years Cedar Rapids has been trying to secure the removal of the county seat from Marion to Cedar Rapids. Two measures, originally introduced by members from Cedar Rapids, relating to the relocation of and the removal of county seats were passed. The first permits the holding of a special election in any year when no general election is held to vote on the question of the removal of the county seat.<sup>54</sup> The other provides that those sections, relating to the removal of county seats and county records, "shall not apply when the distance between the limits of the town, village or city of the proposed county seat and the limits of the town, village or city of the then existing county seat as said town, village or city limits now exist, does not exceed one mile."<sup>55</sup>

<sup>50</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 356.

<sup>51</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 215.

<sup>52</sup> *House File*, No. 26.

<sup>53</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 317.

<sup>54</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 62.

<sup>55</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 34.

Boards of supervisors were authorized to submit to the people of the county the question of borrowing money to aid in the erection of any public building or for the procuring of a site or grounds for such public building, or both.<sup>56</sup> In another act the amount of real estate which the board of supervisors may purchase for county purposes, without submitting the question to the voters of the county, was raised from \$2000 to \$5000.<sup>57</sup> The supervisors were also given power to remove or change the site of the buildings used for the support of the poor and to sell property formerly used for that purpose.<sup>58</sup> Other additional powers of the supervisors will be dealt with under the heading of good roads.

#### TOWNSHIP OFFICERS AND TOWNSHIP GOVERNMENT

A notable change was made in the method of election of township trustees. Heretofore all of the trustees have been elected at the same time, at the same general election, for a term of two years. At the general election in 1918 one trustee will be elected for a term of two years, one for three years, and one for four years. After 1920 each trustee will have a three-year term, so arranged that one member will retire annually.<sup>59</sup> The compensation of township trustees, clerks, and assessors was increased one dollar per day.<sup>60</sup>

The township trustees were authorized to fix an amount which each person might at his option pay in money in lieu of two days work to satisfy his poll tax—the money so received to be spent on the public roads.<sup>61</sup>

<sup>56</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 304.

<sup>57</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 332.

<sup>58</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 33.

<sup>59</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 204.

<sup>60</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 76.

<sup>61</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 335.

## MUNICIPAL LEGISLATION

As usual the legislation relating to municipalities was more profuse than that on any other subject. Forty acts relating to the powers and duties of city government were placed on the statute books, and in addition it required sixty-seven legalizing measures to validate the acts of cities and towns where doubts as to their legality had arisen.

*Municipal Government.*— Cities acting under special charters were authorized to accept the provisions of the city manager plan if they so desire;<sup>62</sup> and the provisions of the city manager plan act were amended by eliminating the requirement that petitioners signing nomination papers for councilmen shall be freeholders.<sup>63</sup>

*Municipal Powers.*— An important act — which applies, however, only to cities the population of which would rank them as first class — was passed according to which, upon the petition of sixty per cent of the resident owners of the real estate in the district sought to be affected, the council is required to designate and establish, by appropriate proceedings, restricted residence districts. Under the provisions of this act, reasonable rules and regulations may be made concerning the erection, reconstruction, altering, or repairing of all kinds of buildings within the district, as well as the use and occupancy of such buildings. The council may also provide by ordinance that no building or other structure — except residences, school houses, churches, and other similar structures — can be erected, altered, repaired, or occupied without a permit from the city council. Any building erected or repaired in violation

<sup>62</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 68.

<sup>63</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 15.



of such an ordinance is declared to be a nuisance, and the council is authorized to provide for its abatement.<sup>64</sup>

Cities located upon any navigable river, forming a part of the boundary of the State, are authorized, where a tax has previously been voted and paid to aid any company in the construction of a highway or combination bridge across such river, to purchase such bridge and its approaches; and they may issue bonds for payment, and the council may fix the toll rates.<sup>65</sup>

The powers granted to the councils of cities and towns in Section 719 of the Code, relating to the licensing and regulation of ferries, are conferred on the commissioners "in cities under special charters which have established levee improvement commissions". The commission is also authorized to prescribe the character of ferry docks and to make provision for the licensing and operating of such ferries.<sup>66</sup>

An act of 1915 giving special charter cities having a population of over 25,000 the right to put all property inside the curb line in the hands of the park commissioners was amended to make it applicable to all special charter cities.<sup>67</sup>

The law authorizing a tax of one and a half mills for the purpose of acquiring property for the use and equipment of the fire department was made applicable to cities of 3000 population and over.<sup>68</sup> The law heretofore applied only to cities of 5000 and over. A substitute was enacted for Section 716-a of the *Supplement to the Code of Iowa, 1913*, relating to the levy of taxes for the maintenance of fire departments in cities of different sizes. According to the

<sup>64</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 138.

<sup>65</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 140.

<sup>66</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 53.

<sup>67</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 174.

<sup>68</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 151.

new act cities of over 9000 may levy not to exceed six mills per year; cities of 9000 and under may levy not to exceed three mills per year; and towns may levy not to exceed two mills per year. Commission-governed cities, however, of over 90,000 can not exceed a three-mill levy.<sup>69</sup>

The law creating a board of police and fire commissioners in cities of the first class, was extended to "cities with a population of eight thousand or more . . . having a paid fire department."<sup>70</sup>

Cities and towns were authorized to use the city hall for general community purposes — an act which will be considered in detail under another heading (see p. 529).

The act of the Thirty-sixth General Assembly providing for the publication or posting of the proceedings of any city or town council was so amended as to provide that in cities and towns in which no newspaper is published, the statement and lists of claims required to be made public should be posted in at least three public places on the business streets of such city or town.<sup>71</sup>

*Municipal Finance.*— A large number of acts relating to municipal taxation and municipal indebtedness were passed. Cities and towns of less than 8800 population are authorized, within certain limitations, to make transfers from certain funds to certain other funds by the unanimous vote of the council and the approval of the judge of the district court of the county in which such city or town is located.<sup>72</sup>

That section of the Code which permits cities of the first class to levy an annual tax not exceeding three mills on the dollar for a city bridge fund was amended by authorizing

<sup>69</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 131.

<sup>70</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 195.

<sup>71</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 157.

<sup>72</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 126.

cities with a population of over 35,000, whose corporate limits are divided by a meandered stream, to levy an additional mill.<sup>73</sup>

Incorporated towns as well as cities may now levy a three mill tax for a grading fund.<sup>74</sup>

Cities of the second class and towns may now levy taxes for the purpose of constructing outlets and purifying plants for sewers and may assess the costs by the levying of special assessments in connection with the construction of sanitary sewers.<sup>75</sup>

Cities of 50,000 or over are given power to erect a municipal court building, and are authorized to levy a special tax of not to exceed one mill on the dollar in any one year for a period of years not exceeding fifty. Such cities may also anticipate the tax by the issuance of bonds, but before any action can be taken the proposition must be submitted to a vote of the people.<sup>76</sup>

Provision was made so that street improvement bonds shall be issued against the property "subject to assessment therefor", instead of against abutting property.<sup>77</sup>

"The expense of the gas light, electric light or power inspection department of the city, including the salaries of inspectors therein", may be paid for out of the tax levied for gas, electric light, or power as now authorized.<sup>78</sup>

The provision of the Code that no single municipal warrant should be drawn for an amount in excess of \$500 was made to read \$1000.<sup>79</sup>

<sup>73</sup> *Acts of the Thirty-seventh General Assembly, Ch. 43.*

<sup>74</sup> *Acts of the Thirty-seventh General Assembly, Ch. 45.*

<sup>75</sup> *Acts of the Thirty-seventh General Assembly, Ch. 222.*

<sup>76</sup> *Acts of the Thirty-seventh General Assembly, Ch. 17.*

<sup>77</sup> *Acts of the Thirty-seventh General Assembly, Ch. 244.*

<sup>78</sup> *Acts of the Thirty-seventh General Assembly, Ch. 375.*

<sup>79</sup> *Acts of the Thirty-seventh General Assembly, Ch. 196.*

A number of verbal changes were made in Section 1306-b of the *Supplement to the Code of Iowa, 1913*, regarding municipal indebtedness, making more clear the powers of municipalities in contracting indebtedness for purchasing, erecting, extending, or maintaining and operating water works, electric light and power plants, and other public utilities.<sup>80</sup> Another act permits cities and towns to become indebted for the construction of transmission lines.<sup>81</sup>

All cities of the first class are permitted to issue serial bonds for the purchase of real estate for park or other municipal purposes, "but none of such bonds, so issued, shall be due and payable in more than fifty years from date."<sup>82</sup>

Commission-governed and special charter cities may issue city or town hall bonds, and may become indebted for such a purpose "in an amount which, added to all other indebtedness, shall not exceed five per centum of the actual value of the taxable property in such city."<sup>83</sup>

Several other acts granting powers or otherwise affecting cities and towns will be considered under other headings.

#### PUBLIC UTILITIES

Apparently no attempt was made to create a public utilities commission at this session of the General Assembly, and only a few laws regulating utilities were enacted. One provides that street and interurban railway passenger cars must be heated to at least forty degrees Fahrenheit from November 15th to April 1st.<sup>84</sup> The other provides that new

<sup>80</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 85.

<sup>81</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 303.

<sup>82</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 7.

<sup>83</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 220.

<sup>84</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 320.

lines of telephone or telegraph poles hereafter constructed shall be located by the county engineer "upon written application filed with the county auditor describing the highways upon which such lines, or parts of lines, are to be constructed".<sup>85</sup> The power given to cities in the matter of levying taxes to construct or purchase public utilities has been mentioned above.<sup>86</sup> Public utility companies seem to have been very active in the State during the past two years, for thirty-four acts legalizing ordinances granting franchises for electric light and power plants where doubts of legality had arisen, were passed, as were also two acts for street railways and two acts for heating plants.

#### HIGHWAY LEGISLATION

Probably no subject of proposed legislation aroused such intense and bitter feeling as did highways — especially the attempt to abolish the State Highway Commission. It was largely upon this issue that the campaign for the speakership hinged. Although the highways committee of the House was said to have been "hand-picked" by the Speaker to facilitate the abolition of the highway commission,<sup>87</sup> the present highway commission law was finally saved by a vote of fifty-four to fifty-four after a long and bitter contest, the after-effects of which were reflected in many votes on pending measures.

Provision was made for the acceptance by the State of the conditions of the Federal road aid act for the improvement and maintenance of rural post roads.<sup>88</sup> Under the Federal act, it is estimated, the State of Iowa will receive about \$2,192,540.35 during the next five years, on condition

<sup>85</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 410.

<sup>86</sup> See above, p. 522.

<sup>87</sup> *The Iowa Magazine*, April-May, 1917, p. 8.

<sup>88</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 249.

that the State shall appropriate an equal sum, and guarantee adequate and satisfactory maintenance of all roads built with the aid of Federal funds.<sup>89</sup> The legislature made provision for the payment of the State's share out of the automobile license fund, which will be equitably apportioned among the counties of the State.

There seems to be general agreement that the road patrol act was the most important piece of highway legislation enacted.<sup>90</sup> According to its provisions the board of supervisors of each county is required to appoint patrolmen for the county road system, who are to be known as county road patrolmen. They are to hold office at the pleasure of the board, which also fixes their compensation. The patrolmen must give their entire time to the work during the road working season, and they must go over all the roads in their particular section at least once each week. It is the duty of the patrolmen to see that the roads are dragged after each rain, and at such other times as may be necessary. They must also remove all trash, debris, or other impediments from the entrance to sluices, culverts, and bridges and keep them free from obstruction. They must keep the side ditches along the grade open and provide ample outlets, remove loose stones and other impediments from the beaten track of the highway, fill depressions, and keep the roads free from ruts, water pockets, and mud holes. They must also keep the approaches to bridges and culverts free from bumps. This act and the acceptance of the Federal aid road act have been heralded as marking "the beginning in more rapid progress in permanent road building in Iowa."<sup>91</sup>

<sup>89</sup> *Iowa State Highway Commission Service Bulletin*, Vol. V, Nos. 4-5, pp. 5, 6.

<sup>90</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 316.

<sup>91</sup> *Iowa State Highway Commission Service Bulletin*, Vol. V, Nos. 4-5, p. 12.

Other laws relating to highways and good roads of lesser importance were enacted. Thus an act was passed permitting persons or associations to raise a fund to promote the improvement of the county and township road systems by graveling and drainage. This act also provides for co-operation on the part of the township trustees, the board of supervisors, and the county engineer with such persons or associations, and authorizes the expenditure from public funds of not to exceed \$150 for each mile of road to be so improved.<sup>92</sup>

Boards of supervisors are authorized to use the county motor vehicle road fund for the oiling of roads<sup>93</sup>—the amount of money available for such purposes being somewhat increased by virtue of an act which requires the apportionment among the several counties of the State of the unexpended balance in the motor vehicle fund, instead of its being turned into the general fund of the State.<sup>94</sup> Likewise cities and towns are authorized to oil their streets and alleys and assess the cost to the abutting property.<sup>95</sup>

The law which required the board of supervisors to levy a two-mill tax as a county road building fund was amended so that hereafter they must levy not less than one, nor more than two mills for such purposes.<sup>96</sup>

Township trustees are authorized to transfer funds from the general township road fund to the drag fund, when the latter is exhausted, in order to keep up the township road system.<sup>97</sup>

Towns are now permitted to levy a three-mill tax for a

<sup>92</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 338.

<sup>93</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 3.

<sup>94</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 212.

<sup>95</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 172.

<sup>96</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 6.

<sup>97</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 398.

grading fund to be used for the purpose of opening, widening, and grading any street or highway.<sup>98</sup>

The power of county supervisors to establish at their discretion consent roads at a minimum width of not less than thirty feet was withdrawn.<sup>99</sup> Cities of 50,000 or more inhabitants were given additional power to levy taxes for the purpose of paving highways leading into such cities.<sup>100</sup>

Hereafter when the State is asked to participate in defraying the cost of paving roads adjacent to State lands, such expenditure shall be subject to the approval of the Executive Council.<sup>101</sup>

The law relating to the trimming of hedges was rewritten and expanded, requiring the trimming of hedges once in two years, instead of yearly as before. The supervisors are charged with the enforcement of this act, with power to cut trees and hedges along the highway, if the owner refuses or neglects to do so, and assess the cost against the owner as taxes. Windbreaks and certain kinds of trees are exempt in the discretion of the supervisors.<sup>102</sup> The purpose of the act is to keep highways free from snow-drifts.

Two acts looking toward the reduction of the cost of highway improvements were enacted — one of which authorizes the Attorney General to expend \$5000 to investigate and determine whether or not there exists in this State an illegal combination of manufacturers of cement used in highway, bridge, and culvert construction.<sup>103</sup> The other law permits railroads to transport "materials to be used by public authorities in constructing or maintaining public

<sup>98</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 45.

<sup>99</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 30.

<sup>100</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 376.

<sup>101</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 421.

<sup>102</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 417.

<sup>103</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 273.



highways outside of the corporate limits of cities and towns" at reduced rates, without being subject to the penalties imposed by law for granting discriminating rates.<sup>104</sup>

#### MOTOR VEHICLES

An act of importance to the owners of motor vehicles requires every garage to keep for public inspection a record of the license number and engine number of all motor vehicles taken in or held in charge for the purpose of selling, rental, livery, storage, or repair. The record must also contain the name and address of the owner of the motor vehicle, and the name and address of the person delivering or taking it to the garage. Any alteration or obliteration of the engine number is to be considered *prima facie* evidence of larceny, and the sheriff and police officers must be at once notified, and the vehicle must be held for twenty-four hours or until the sheriff and police have made an investigation. It is not necessary, however, to make the record a second time when the owner or driver of the car is personally known.<sup>105</sup>

With a view to preventing the use of glaring headlights, an act was passed making it unlawful for motor vehicles to use any lighting device of over four candle-power equipped with a reflector, unless the same is so designed or arranged "that the directly reflected and undiffused beam of such light, when measured seventy-five feet or more ahead of the light shall rise above forty-two inches from the level surface on which the vehicle stands under all conditions of load." Spot lights are not to be used so as to throw direct rays in the face of an approaching vehicle.<sup>106</sup> The *Bulletin* of the Iowa State Highway Commission declares that the act was

<sup>104</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 390.

<sup>105</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 423.

<sup>106</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 148.

intended to read that lights "shall not rise" above forty-two inches, etc., and asserts that the omission of the word "not" will probably make the act ineffective, since throwing the direct beam of the light above forty-two inches from the level roadway would make the light practically useless for safe night driving.<sup>107</sup> From the language of the law it would appear that any person who drives his car with the lights thrown on the ground in front of him is a law-breaker.

The owner of a car driven by a minor under fifteen years of age with the consent of the owner is liable for all damages done by reason of the negligence of the driver.<sup>108</sup>

A bill requiring dealers to collect the fee for registration at the time of the sale of the car, and returning to the old system of new number plates each year, was passed, and sent to the Governor on the day of adjournment.<sup>109</sup> The Governor, however, vetoed the bill.

#### SOCIAL WELFARE

A State-wide registration of vital statistics was provided for; but this law does not meet all of the requirements necessary to admit Iowa to the Federal registration area. The act provides that physicians and midwives must report all births to the county clerk within ten days, on forms adopted by the United States Census Bureau, giving the name of the child. The clerk must file these certificates of birth monthly with the State Registrar of Vital Statistics (that is, the secretary of the State Board of Health), who will bind and deposit them in the Historical Building at Des Moines.

Physicians and undertakers are likewise charged with the duty of reporting all deaths. These certificates of death

<sup>107</sup> *Iowa State Highway Commission Service Bulletin*, Vol. V, Nos. 4-5, p. 13.

<sup>108</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 205.

<sup>109</sup> See *House File*, No. 576.

will also be bound and deposited in the same manner as certificates of birth. Assessors are now no longer required to report births and deaths.

The county clerk is also required to keep a record of all marriages and divorces occurring within the county, together with such data respecting the same as shall be required by the State Registrar. On August first of each year the clerk must make a report to the State Registrar. Failure to perform their duty on the part of those charged with the reporting of births and deaths is made a misdemeanor punishable by fine or imprisonment or both. The act carries an appropriation of \$3000 to pay the expenses of printing, postage, extra clerk hire, and the like, in the office of the State Registrar.<sup>110</sup>

Cities having a population of 50,000 or over are authorized to provide for the several districts of the city or for any one of them a community center house with recreation grounds adjacent for the use, recreation, and instruction of the residents of the district. The city may issue bonds to finance such a center, but before any action can be taken the question must be submitted to the voters of the city.<sup>111</sup>

Cities and towns are given authority to use the city hall "for general community purposes, including assembly hall, auditorium, public hall, armory, council chamber and offices, and fire and police station". The act also permits the city council to appoint three resident persons especially fitted for and interested in community work, who are to be designated as the community civic congress, and who may co-operate with the city council in all matters pertaining to community improvements, child welfare, and social and recreational activities.<sup>112</sup>

<sup>110</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 326.

<sup>111</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 51.

<sup>112</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 182.

## CHILD WELFARE

A noteworthy step was taken by the Thirty-seventh General Assembly in the establishment of a Child Welfare Research Station at Iowa City in connection with the State University, for the purpose of investigating "the best scientific methods of conserving and developing the normal child". The sum of twenty-five thousand dollars annually was appropriated for this purpose.<sup>113</sup>

Another important measure is the appropriation of \$150,000 for the erection and equipment of a hospital for diseased and crippled children in connection with the college of medicine at the State University.<sup>114</sup>

In all counties of the State having a population of 100,000 or over it is made the duty of the judges of the district court, after each election, to select one of their number to act as judge of the juvenile court for the ensuing four years. The judge is given power to select a chief probation officer and not to exceed two deputy probation officers, one of whom must be a woman. He also has power to select a visiting nurse and a competent physician. The salaries of all these officers are provided for.<sup>115</sup>

A few slight verbal changes were made in an act of the preceding assembly relating to the establishment and maintenance of juvenile playgrounds, the chief of which is that cities providing playgrounds for their children will no longer be required by law to appoint a woman as playground superintendent, but may appoint any "suitable person".<sup>116</sup>

<sup>113</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 282.

<sup>114</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 214.

<sup>115</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 405.

<sup>116</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 181.

## PARKS AND PLAYGROUNDS

Closely associated with social and child welfare are the provisions made for the establishment of parks, playgrounds, and recreation centers. Thus in order to reclaim the shores of lakes and rivers for the enjoyment of the people, a law was enacted authorizing the State Fish and Game Warden, with the consent of the Executive Council, to establish public parks in any county of the State upon the shores of lakes, streams, or at other places which have by reason of their location become historic, or because of their scientific or scenic beauty are adapted for park purposes. Provision for the improvement of such parks is made; and power is granted to municipalities, or individuals, or corporations organized for that purpose only, acting separately or in conjunction with each other, to establish like parks outside the limits of cities or towns. Further provision is made for making such parks accessible from the highway. The Executive Council is required to designate three persons who, with the Curator of the Historical Department, constitute a board of conservation and serve without pay.

This board is charged with the duty of investigating "places in Iowa, valuable as objects of natural history, forest reserves, as archaeology and geology, and investigate the means of promoting forestry and maintaining and preserving animal and bird life in this state and furnish such information to the executive council for the conservation of the natural resources of the state, from time to time". The Fish and Game Warden and the Executive Council are empowered to make rules and regulations for the management and control of lands taken over under this law. In order to create a fund for the purchase of lands, for the purposes mentioned, \$50,000 of the fish and game protection fund may be used annually, providing that

amount does not exceed one-half of the total annual receipts of the fund.<sup>117</sup>

Cities under the commission form of government having a population of 50,000 are authorized to establish "in connection with parks, swimming pools, bathing beaches, bath houses, ice rinks, dance pavilions, shelter houses, wading pools and river walls, to pave, macadamize and otherwise improve the roadways, drives, avenues and walks in and through such parks."<sup>118</sup> For these purposes such cities may levy a half-mill tax for the swimming pool and other recreational features and another half-mill tax for paving.

Another act prescribes a new limit on the amount of interest that may be paid annually on bonds issued for the purchase of parks. Formerly the interest on such bonds could not exceed one-half the amount of the annual tax authorized; but by the new law it may go as high as one and a fourth mills on the dollar in cities and towns of less than 25,000 and one and three-fourths mills in cities of 25,000 and over.<sup>119</sup>

The provisions of still another act extend the time in which certain cities may continue to levy an additional tax of one mill for the purpose of grading, beautifying, and otherwise improving lands acquired for park purposes by means of the tax authorized in Section 850-c of the *Supplement to the Code of Iowa, 1913*.<sup>120</sup>

#### PUBLIC HEALTH

Increased power to levy taxes and issue bonds was given to cities of different sizes for the construction and maintenance of hospitals.<sup>121</sup>

<sup>117</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 236.

<sup>118</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 194.

<sup>119</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 84.

<sup>120</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 384.

<sup>121</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 48.

Cities according to population are given power to establish and maintain one or more public comfort stations. They must be located in the principal business part of the city, be kept clean and sanitary, and be heated during cold weather. Such stations are to be managed by a commission of three persons, at least one of whom must be a woman. The commission serves without pay and handles the funds and employs the help necessary to properly conduct such stations.<sup>122</sup>

The act of the Thirty-sixth General Assembly authorizing cities and towns to establish sanitary districts for the collection and disposal of garbage and other wastes and for the oiling, sprinkling, flushing, and cleaning of the streets was re-written and strengthened, and additional power was granted to incur indebtedness for the purchase or erection of garbage disposal plants.<sup>123</sup>

Cities and towns were granted full authority to require by ordinance that all cows from which milk or cream is furnished to the inhabitants be tested for tuberculosis.<sup>124</sup> Likewise cities and towns were given additional power to prescribe rules and regulations in reference to sanitary plumbing.<sup>125</sup>

A law was enacted providing for the branding and labeling of mattresses and comforts and prohibiting the use of unsanitary, unhealthful, old or second-hand material in the manufacture of the same. The penalty for the violation of the act may be a fine of \$500 or six months in jail or both.<sup>126</sup>

Quarantine officers when appointed in cities of the first class or special charter cities are to be placed under the

<sup>122</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 232.

<sup>123</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 367.

<sup>124</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 342.

<sup>125</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 392.

<sup>126</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 406.

provisions of the civil service law relating to policemen and firemen and given the rank of captain; and the health officer is given the same authority in relation to the quarantine officers as the chief of police has over police officers.<sup>127</sup>

Milk containing less than eleven and a half per cent (instead of twelve per cent as heretofore provided) of milk solids to one hundred pounds of milk is defined as "skimmed milk", and the minimum penalty for the delivery of skimmed milk was reduced from twenty-five to ten dollars. Four of the assistant dairy and food commissioners were each given additional compensation in the amount of \$100.<sup>128</sup>

#### PUBLIC SAFETY

The depositing or storing of inflammable junk by dealers within the fire limits of cities is declared to be a public nuisance and may be abated and punished as such.<sup>129</sup>

The public display of dangerous weapons, such as pistols, revolvers, billies, knuckles, daggers and the like, except war relics, in any window facing a public street or alley is declared to be a misdemeanor, and punishment by fine and imprisonment for violation of the act is provided.<sup>130</sup>

Express, mail, or bank agents or messengers or other officers requiring concealed weapons for the protection of property in their care are permitted to carry the same, and provision is made for keeping a record of those to whom permits are granted.<sup>131</sup>

Cities and towns are given power to provide for the collection of fees for the inspection of steam boilers and places

<sup>127</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 73.

<sup>128</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 377.

<sup>129</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 184.

<sup>130</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 87.

<sup>131</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 171.



used for the storage of explosives or inflammable substances.<sup>182</sup>

DEPENDENTS, DELINQUENTS, AND DEFECTIVES

*Dependents.*—Survivors of the Northern Iowa Border Brigade, organized during the Civil War for the protection of the northwestern frontier, as shown by the roster of Iowa soldiers, who are not now receiving a pension from the Federal government, were granted pensions of twenty dollars per month for the rest of their lives.<sup>183</sup>

Indigent soldiers and sailors of the Mexican War and the Civil War and their unmarried widows may be exempted from special assessments levied for street improvements by action of a city or town council.<sup>184</sup>

The law relating to pensions for disabled and retired policemen was re-written and amended as to the amounts to be allowed under certain conditions.<sup>185</sup>

By extending its benefits to the children up to sixteen years of age of dependent widowed mothers, the so-called mother's pension law was amended.<sup>186</sup>

The compensation granted to paupers for labor on the streets or highways was changed from five cents per hour to read "at the prevailing local rate per hour."<sup>187</sup>

Cities and towns are given power, by ordinance, to suppress, restrain, and prohibit begging on the streets and in other public places.<sup>188</sup>

The Board of Control was authorized to appoint an additional home-finding agent for the orphans' home, and the

<sup>182</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 394.

<sup>183</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 164.

<sup>184</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 94.

<sup>185</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 23.

<sup>186</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 150.

<sup>187</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 253.

<sup>188</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 425.

appropriation for the salaries and expenses of these agents was increased from \$7000 to \$9000.<sup>139</sup>

*Delinquents.*— The Iowa Industrial Reformatory for Females will hereafter be officially known as "The Women's Reformatory".<sup>140</sup> The State institutions for wayward and incorrigible children at first called Reform Schools, then later designated as Industrial Schools, will hereafter be designated as the Training School for Boys and the Training School for Girls.<sup>141</sup>

A Senate joint resolution calls upon the Board of Control to investigate the feasibility and practicability of manufacturing portland cement by the State with the labor of the inmates of any of the institutions under its supervision, and report to the next General Assembly,<sup>142</sup> the purpose being to aid in road building.

*Defectives.*— The State School for the Deaf was transferred from the jurisdiction of the Board of Control to that of the State Board of Education.<sup>143</sup> School districts are authorized to provide instructors for the education of deaf children residing therein; and any school taking advantage of this act will be paid eleven dollars per month for each child not more than ten years of age who is instructed under the provisions of the law. The general supervision of all matters arising under the act is vested in the State Board of Education.<sup>144</sup>

An increase of from one to two dollars per month in the existing allowances authorized by law for the support of

<sup>139</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 370.

<sup>140</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 427.

<sup>141</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 54.

<sup>142</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 237.

<sup>143</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 160.

<sup>144</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 308.

the inmates of the several institutions under the Board of Control was granted.<sup>145</sup>

LABOR LEGISLATION

Six different acts were passed amending the employer's liability and workmen's compensation act. Provision was made for the taking of depositions of witnesses to be used as evidence in hearings before boards of arbitration in workmen's compensation proceedings.<sup>146</sup>

The proper consular officer is constituted the legal representative of non-resident alien dependents who are citizens of his nation, and he or his representative is authorized to institute and conduct legal proceedings on behalf of such dependents and to receive and distribute the compensation due such dependents.<sup>147</sup>

Employers are required to furnish the Industrial Commissioner with a statement as to the earnings of any injured employee "during the year or part of the year that such employee was in the employment of such employer for the year preceding the injury."<sup>148</sup>

Provision is made for the payment of compensation due to employees of the State under the workmen's compensation act out of any funds in the State treasury not otherwise appropriated, and the Auditor of State is authorized to issue warrants for the amounts due.<sup>149</sup>

Firemen and policemen are excluded from the benefits of the workmen's compensation act if they are receiving benefits from any firemen's or policemen's pension fund of any municipality.<sup>150</sup> A claim arising under the workmen's com-

<sup>145</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 266.

<sup>146</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 409.

<sup>147</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 336.

<sup>148</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 188.

<sup>149</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 67.

<sup>150</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 418.

pensation act is made a lien against the property of a railway, street railway, or interurban railway company in the county in which the injury occurs.<sup>151</sup>

A long statute amending twenty sections of the workmen's compensation law was enacted. The apparent purpose of all of these amendments is to strengthen the law in the interests of the workingmen; for it will be remembered that when originally passed the law fell far short of the ideals of its author, Senator Clarkson, because of the numerous amendments which had to be accepted to secure its passage.<sup>152</sup>

The attempt to limit the working day to eight hours on public works failed to secure a favorable report from the committee on the judiciary;<sup>153</sup> and the measure known as the Anti-Injunction Bill, which sought to recognize trade unions and labor organizations and to regulate injunctions against them, failed to pass in the Senate where it was introduced.<sup>154</sup>

#### LIQUOR LEGISLATION

While all of the so-called bone dry bills did not pass, enough were enacted, together with the aid of the decision of the Supreme Court of the United States on the Webb-Kenyon law, to make Iowans realize that Iowa is really dry.

The Thirty-seventh General Assembly gave its approval to the joint resolution of the preceding Assembly providing for a prohibitory amendment to the Constitution of Iowa,<sup>155</sup> and made provision for a popular vote on this proposed amendment to be taken on October 15, 1917.<sup>156</sup>

<sup>151</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 403.

<sup>152</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 270.

<sup>153</sup> *House File*, No. 4.

<sup>154</sup> *Senate File*, No. 3.

<sup>155</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 10.

<sup>156</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 321.

A very drastic prohibition of the solicitation of orders for the sale of intoxicating liquors by any kind of advertising was incorporated in the statutes. Those violating its provisions may be stopped by injunction proceedings.<sup>157</sup>

An act providing that the place of delivery of intoxicating liquors shall be deemed the place of sale is designed to prevent the transportation of such liquor by common carriers.<sup>158</sup>

Search warrants for liquor may now be issued on the information of "any credible resident of this state, or any special agent of the state, or any assistant authorized by him." Heretofore such warrants were issued only on the information of some credible resident of the county. The State is also given the right of appeal in liquor cases, and no liquor can be returned to a claimant until the final determination on the appeal declares him entitled to it.<sup>159</sup> The law relative to what constitutes evidence of the illegal selling or keeping of intoxicating liquor was made more explicit.<sup>160</sup>

Manufacturers of patent medicines, tinctures, extracts, and the like, not susceptible of use as a beverage, may obtain from the judge of the district court permits to purchase and use alcohol and liquors for manufacturing purposes.<sup>161</sup>

Wholesale druggists are permitted to sell intoxicating liquors, not including malt liquors, to registered dentists or veterinarians in good standing and duly licensed under the laws of Iowa, in addition to those now authorized by law to purchase such liquors. Such persons must make affidavit that such liquor is for professional use only and not for sale

<sup>157</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 10.

<sup>158</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 248.

<sup>159</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 322.

<sup>160</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 323.

<sup>161</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 133.

as a beverage before the railroads are authorized to deliver the same.<sup>162</sup>

The law granting cities and towns the right to enact ordinances for the suppression and prohibition of gambling and disorderly houses was re-written and made to include places where intoxicating liquor is illegally kept, sold, or given away, and to punish both keepers and inmates of such places and persons resorting thereto, as well as those who transport others to and from such places.<sup>163</sup>

The foregoing acts, together with the law enforcement act already mentioned, make bootlegging in Iowa a hazardous business.

#### BANKS AND BANKING

A State banking department was established, and the duty of bank inspection, heretofore in the hands of the State Auditor, was transferred to the new department. The banking department is in charge of an officer known as the Superintendent of Banking, who is appointed by the Governor with the approval of two-thirds of the Senate for a term of four years. His salary is fixed at \$4000. The Superintendent is authorized to appoint not less than six nor more than eight examiners, who hold office for two years and who must have had at least three years experience in practical bank work or as bank examiners. They receive \$2200 each and traveling expenses.<sup>164</sup>

An act was passed permitting banks to reduce their capital stock if such action is approved by the Superintendent of Banking.<sup>165</sup>

The law relating to the minimum capital required for the organization of savings banks was amended, requiring a

<sup>162</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 422.

<sup>163</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 393.

<sup>164</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 40.

<sup>165</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 218.

larger capital stock than has heretofore been demanded of such banks, according to the population of the cities or towns in which they are located.<sup>166</sup> Savings banks are also permitted to have a larger number of directors than nine.<sup>167</sup> Both savings and State banks are permitted to keep on deposit, subject to call, with other banks organized under State or national laws, eighty-five per cent, instead of three-fourths, of the cash reserve which by law they are required to maintain.<sup>168</sup>

The provision that savings banks should loan no money upon any real estate located outside of Iowa, except real estate situated in any county adjoining the Iowa State line, was amended to read "real estate located west of the one-hundredth Meridian line."<sup>169</sup>

#### SCHOOLS, SCHOOL FINANCES, AND SCHOOL ELECTIONS

Provision was made to accept the requirements and benefits of an act of Congress, approved on February 23, 1917, making appropriations to the States for instruction in agriculture, the trades and industries, and for the preparation of teachers of vocational subjects.<sup>170</sup> Provision for the custody and administration of the funds received by the State was made by the creation of a State Board for Vocational Education, consisting of the State Superintendent of Public Instruction, as chairman, the President of the State Board of Education, and the Commissioner of the Bureau of Labor Statistics.

The duties of the board are "to provide for making studies and investigations relating to prevocational and vocational training in agricultural, industrial, home eco-

<sup>166</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 357.

<sup>167</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 238.

<sup>168</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 189.

<sup>169</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 364.

<sup>170</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 300.

nomics and commercial subjects; to promote and aid in the establishment of local communities of public schools, departments and classes giving instruction in such subjects; to cooperate with local communities in the maintenance of such schools, departments and classes; to establish standards for, test the qualifications of, and to certificate teachers of such subjects in such approved schools, departments and classes; and to cooperate in the maintenance of teachers training schools, departments and classes supported and controlled by the public for the training of teachers and supervisors of such subjects."

The State Board for Vocational Education is required to appoint a committee of nine members to be known as the State advisory committee for vocational education, each member of which will, after a system of rotation is established, have a three-year term of office, one-third of the members retiring annually. This committee is to consist of one member experienced in agriculture, one employer, one representative of labor, one woman experienced in women's work, one person experienced in business and commerce, one person experienced in social work, and three educators. The duty of this committee is to give advice and suggestions to the State Board concerning prevocational and vocational education, the training of teachers of agriculture, industrial, household arts, and commercial subjects, and the administration of this act.<sup>171</sup>

Other provisions of the law, relating to the powers and duties of local communities and school boards in carrying out the purposes of this legislation and obtaining its benefits need not be mentioned in this connection.

School boards of organized school districts are authorized to establish public evening schools for persons over sixteen years of age; and whenever ten or more such persons in any

<sup>171</sup> *Acts of the Thirty-seventh General Assembly, Ch. 290.*



organized school district desire instruction in the evening, it is the duty of the school board to establish such a school for a period of not less than three months of every school year and for not less than two hours at least twice each week.<sup>172</sup>

Any independent school district having a population of 75,000 or over may establish a pension and annuity retirement system for the public school teachers of the district. The fund for such pensions is created by an annual tax not exceeding two-tenths of a mill on the dollar, by an assessment of the teachers not exceeding one per cent of their salaries in any one year, and by the interest on any permanent fund which may be created by gift, bequest, or otherwise. The administration of the system is put in the hands of the board of directors.<sup>173</sup>

The law of 1915 which required the teaching of elementary agriculture, domestic science, and manual training in the public schools of the State was amended by authorizing the board of directors to dispense with the teaching of these subjects in rural schools at its discretion.<sup>174</sup> Thus the city school will still be required to teach agriculture, while the rural school may dispense with it.

The statute relating to the high school tuition of non-resident pupils in approved schools was re-written and the tuition fixed at five dollars per month — except in cities of the first class where it is seven dollars per month — but in no case shall such tuition exceed the average cost of tuition in such high school.<sup>175</sup>

The law requiring school boards to submit the question of free text-books to the annual meeting of the electors, when

<sup>172</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 97.

<sup>173</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 387.

<sup>174</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 319.

<sup>175</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 156.

petitioned by one-third of the legal voters of the district, was amended so as to read, when petitioned by ten per cent of the qualified voters.<sup>176</sup>

An act of the Thirty-third General Assembly prohibiting pupils in the public schools from joining any "secret fraternity" was amended by striking out the word "secret".<sup>177</sup>

The statutory provisions relating to the procedure to be followed in the organization of consolidated independent school districts were re-written.<sup>178</sup>

School corporations may now have two acres of ground instead of one, and two blocks instead of one in a city or town. Consolidated districts may have not to exceed ten acres for any one site, instead of four. The law relative to condemnation proceedings in securing school sites was also re-written.<sup>179</sup>

Another act relating to school house sites and grounds was probably intended to enable Mason City to buy up and use the grounds and buildings of the defunct Memorial University for public school purposes. The act authorizes any school corporation located in a city of the first class in which there was organized and founded prior to the year 1902 a university with not to exceed forty acres of land, the buildings of which could be used for public school purposes, and said university being discontinued prior to 1914 and its property placed on the market, to purchase such land and buildings for school purposes.<sup>180</sup>

The law relating to normal training school work and examinations in such work was made to apply to private and denominational schools, as well as to high schools.<sup>181</sup>

<sup>176</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 56.

<sup>177</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 153.

<sup>178</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 432.

<sup>179</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 26.

<sup>180</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 400.

<sup>181</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 346.

The President of the Iowa State College of Agriculture and Mechanic Arts was made a member of the State Board of Educational Examiners.<sup>182</sup>

Boards of directors of school corporations not within the limits of any city or town may authorize the school house and grounds to be used for both public and private meetings, unless the voters have forbidden such use.<sup>183</sup>

*School Finances.*—The amount which the board of each school corporation may estimate as necessary for the teachers' fund for each regular school was increased from \$270 to \$450.<sup>184</sup>

School corporations are permitted to issue refunding bonds as well as funding bonds, and all bonds heretofore issued to refund bonds issued prior to the session of the Thirty-second General Assembly are legalized as far as the objection is concerned that they were issued prior to that time.<sup>185</sup>

The first section of an act relating to school house funds, which appears as Chapter 386, attempts to amend Section 2733-1a, *Supplemental Supplement to the Code of Iowa, 1915*, which section had been repealed and a substitute enacted therefor. This substitute act was approved on April 7, 1917, and went into effect by publication on April 16, 1917.<sup>186</sup> The amendments offered by section one of Chapter 386 are, therefore, probably without force. The second section, which is probably valid, permits the transfer of any surplus in the school house fund to the general fund, instead

<sup>182</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 340.

<sup>183</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 229.

<sup>184</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 32.

<sup>185</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 262.

<sup>186</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 156.

of to the teachers' or contingent fund, by a vote of the electors at the annual meeting.<sup>187</sup>

*School Elections.*— Provision was made that "no register shall be prepared nor shall registration be required in any school corporation containing a city in which registration is not required at the general or city elections."<sup>188</sup>

#### AGRICULTURE AND ANIMAL HUSBANDRY

Probably the most important measure enacted for the promotion of agriculture was the so-called County Agent Bill. It provides that when a farm improvement association in any county has two hundred bona fide members and at least \$500 in their treasury, then the board of supervisors is authorized to contribute to such association \$2,500 from the general funds of the county, with which a county agent may be employed. Under the old law it required a referendum vote in the county to make such an appropriation. The benefits of the new law are limited to such organizations as are so organized as to coöperate with the United States Department of Agriculture and the Iowa State College of Agriculture and Mechanic Arts.<sup>189</sup>

A few verbal changes extend the power of the board of supervisors in the matter of levying taxes for the erection and repair of buildings or other permanent improvements on the county fair grounds, or for the payment of debts contracted in erecting such buildings or other improvements.<sup>190</sup>

State aid was granted to the Iowa Beef Cattle Producers' Association, to the Iowa State Dairy Association, and to the Iowa Corn and Small Grain Growers' Association.<sup>191</sup>

<sup>187</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 386.

<sup>188</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 334.

<sup>189</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 90.

<sup>190</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 89.

<sup>191</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 187.

An act to encourage the raising of sheep in Iowa makes it unlawful for any dog to run at large at night, except hunting dogs accompanied by their owner or trainer, unless they have been registered at the office of the county auditor and wear a collar bearing their registration number. All dogs found at large on the lands of a person other than its owner contrary to this act may be lawfully killed.<sup>192</sup>

After years of effort the poultrymen of the State received recognition at the hands of the legislature. Five hundred dollars annually was granted to the State Poultry Association and \$100 to each county association holding a two days show, but no one county is to receive more than \$100.<sup>193</sup>

The office of State Bee Inspector was abolished; but the State Board of Education was authorized and directed to appoint a State Apiarist, who shall work in connection with and under the supervision of the director of agricultural extension and the professor of entomology at the Iowa State College of Agriculture and Mechanic Arts.<sup>194</sup>

A long statute forbidding the manufacture and sale of adulterated or misbranded insecticides or fungicides was enacted. The Dairy and Food Commissioner and the county attorneys are charged with the enforcement of the act.<sup>195</sup>

An exception was made to the law prohibiting the docking of horses and colts in the case of those used for breeding and show purposes.<sup>196</sup>

The director of the hog cholera serum laboratory at Ames is required to issue permits to use such serum to those who,

<sup>192</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 50.

<sup>193</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 363.

<sup>194</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 289.

<sup>195</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 385.

<sup>196</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 341.

having received instruction, have passed an examination on its use.<sup>197</sup>

The law requiring the township clerk to post notices in reference to the weed law was repealed.<sup>198</sup>

#### FISH AND GAME

The sportsmen and hunters of Iowa will be aware of the acts of the Thirty-seventh General Assembly for some time. A closed season until 1922 was established on quail,<sup>199</sup> prairie chickens,<sup>200</sup> Hungarian partridges, Mongolian ring-neck, and English pheasants.<sup>201</sup> The season for trapping fur-bearing animals was changed from December 1st to April 1st to from November 15th to March 15th. The molesting or destroying of muskrat houses was also made an offense.<sup>202</sup>

An act was passed providing that pumping stations or plants must be provided with screens to prevent fish from entering them. This law does not, however, apply to sand pumps and dredging machines.<sup>203</sup>

The attempt to require a resident license for fishing failed; but non-residents will be required to pay a fee of two dollars for the privilege.<sup>204</sup>

Doubtless one of the purposes of the act creating parks through the use of the fish and game fund is to provide for the establishment of game farms and game refuges.

#### THE PRACTICE OF THE PROFESSIONS

Legislation was enacted by which persons who have practiced before the bar of the United States Supreme Court

<sup>197</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 329.

<sup>198</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 16.

<sup>199</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 233.

<sup>200</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 202.

<sup>201</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 111.

<sup>202</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 396.

<sup>203</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 81.

<sup>204</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 168.

for five years will be admitted to the bar of this State without further evidence of competency.<sup>205</sup>

A long statute relating to the practice of dentistry prohibits licensed dentists from practicing or advertising under any other name than their own. It requires licensed dentists to file a biennial report with the State Board of Dental Examiners and to pay a biennial fee of one dollar. The law also provides for the examining and licensing of dental hygienists. Apparently provision is made only for women as dental hygienists, the act declaring that "any woman over eighteen years of age and of good moral character, whose preliminary education is equivalent to two years in the high school, and who is a graduate of a training school for dental hygiene, requiring a suitable course of not less than one academic year of at least nine months, and approved by the state board of dental examiners, may, upon the payment of ten dollars (\$10.00) be examined" and licensed as a dental hygienist. Her license will permit her "to remove lime deposits, accretions and stains upon the exposed surfaces of the teeth and directly beneath the free margins of the gums, but she shall not otherwise engage in the practice of dentistry" as defined by law. Women having had five years practical experience in dental hygiene work prior to January 1, 1917, are permitted, if otherwise qualified, to take the examination without being a graduate of a training school for dental hygienists.<sup>206</sup>

After June 30, 1917, all registered optometrists are required to pay an annual license fee of one dollar, and it is made unlawful to practice optometry in Iowa without a license issued by the State Board of Optometry Examiners.<sup>207</sup>

<sup>205</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 330.

<sup>206</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 309.

<sup>207</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 213.

The law relative to the examination and registration of pharmacists and assistant pharmacists was re-written and made more explicit.<sup>208</sup>

#### INSURANCE

A large number of statutes relating to the business of insurance were enacted by the Thirty-seventh General Assembly. The authority to issue certificates to life insurance associations was transferred from the State Auditor to the Commissioner of Insurance,<sup>209</sup> as was also the jurisdiction over fraternal beneficiary societies.<sup>210</sup>

Fraternal beneficiary societies authorized to do business in this State and operating on the lodge plan may provide for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen at their next birthday, for whose support a member of such society is responsible. The conditions under which such societies may accept the benefits of this act are also made clear.<sup>211</sup>

Another act relieves fraternal beneficiary societies from the regulations of the insurance law when their members belong to one occupation, guild, profession, or religious denomination. It also exempts associations of female members of the families of members of such groups.<sup>212</sup> The loans on certificates by fraternal beneficiary societies, however, were regulated.<sup>213</sup>

The law relating to the investment of funds in real estate for office buildings by life insurance companies was re-written and they were authorized to invest such portion of their paid-up capital, in addition to the ten per cent of the

<sup>208</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 430.

<sup>209</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 227.

<sup>210</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 379.

<sup>211</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 431.

<sup>212</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 193.

<sup>213</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 113.



lawful reserve on their policies, in real estate necessary for their accommodation as a home office, as is not held to constitute a part of the legal reserve deposit under Section 1774 of the Code.<sup>214</sup>

An act relating to assessment life insurance associations provides that Section 1798-a of the *Supplement to the Code of Iowa, 1913*, shall not apply to unincorporated assessment associations now existing having less than two hundred and fifty policy-holders, if they were organized and in existence prior to March 23, 1907; but by becoming incorporated and complying with the provisions of the law, they may become entitled to all of the privileges thereof.<sup>215</sup>

The insurance rating bureau act of 1915 was repealed, being declared a failure because it had not reduced insurance rates.<sup>216</sup>

The kinds of insurance which may be written by companies other than life insurance companies was made more explicit and no company may now write policies of insurance for more than one of the nine classes enumerated, certain specific exceptions being made.<sup>217</sup>

Legislation relating to the organization, activities, and obligations of mutual insurance companies was largely rewritten and strengthened.<sup>218</sup>

The law relative to co-insurance was amended by removing the provision that it should not apply to risks where the total value of the property to be insured is less than \$25,000 — except grain elevators and grain warehouses and their contents.<sup>219</sup>

<sup>214</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 404.

<sup>215</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 413.

<sup>216</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 155.

<sup>217</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 428.

<sup>218</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 429.

<sup>219</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 185.

Mutual fire, tornado, and hailstorm assessment insurance companies were granted authority to write insurance against theft<sup>220</sup> and also to insure fair property.<sup>221</sup>

The Insurance Commissioner of Iowa may now authorize any health or accident insurance company organized under the laws of any other State to do business in Iowa, if under the laws of such other State like companies organized under the Iowa laws are permitted to do business in such States.<sup>222</sup> A long statute authorizing and regulating the exchange of reciprocal or inter-insurance contracts among individuals, partnerships, and corporations was also enacted.<sup>223</sup>

To square it with the decisions of the Supreme Court, the law relating to the taxation of moneys and credits of insurance companies was modified.<sup>224</sup>

#### RAILROADS

The legislation enacted relating to railroads is of minor importance. The law dealing with the issuance of preferred stock by railway corporations was re-written, and such corporations are now authorized to issue preferred stock when approved by seventy-five per cent of the capital stock.<sup>225</sup>

All steam roads operating wholly within the State, and not exceeding twenty-five miles in length, are now permitted to charge three cents per mile for passenger traffic.<sup>226</sup>

The law in relation to interlocking railway crossings was made applicable to interurban railroads; and the procedure

<sup>220</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 42.

<sup>221</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 412.

<sup>222</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 234.

<sup>223</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 180.

<sup>224</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 258.

<sup>225</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 82.

<sup>226</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 327.

to be followed when one road wishes to cross another was made more explicit.<sup>227</sup>

An act was passed requiring cars on interurban railroads to stop before crossing another railroad or interurban railway on the same level. The same act granted additional power or authority to the Iowa Board of Railroad Commissioners in the matter of making regulations in reference to speed and other methods of operation at crossings, in the interest of public safety. The Speaker failed to sign this act, however, and consequently it is without effect.<sup>228</sup>

Railroads are required to provide and maintain suitable stock yard facilities at all stations where live stock is received for shipment, and the Railroad Commission is authorized to order the construction of such facilities.<sup>229</sup>

In addition to the general power of eminent domain they now possess, railroads are given power to condemn lands "for the purpose of constructing a track or tracks to any mine, quarry, gravel pit, manufactory, warehouse, or mercantile establishment."<sup>230</sup>

Claims against carriers may now be filed at the point of origin as well as at the point of destination.<sup>231</sup>

#### CORPORATIONS

In the dissolution of a corporation for pecuniary profit only the officers are, hereafter, required to sign and acknowledge the articles of dissolution.<sup>232</sup>

The incorporation of commercial clubs and associations

<sup>227</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 353.

<sup>228</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 245. See also addenda B, p. 468.

<sup>229</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 211.

<sup>230</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 407.

<sup>231</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 399.

<sup>232</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 128.

of business men as corporations not for pecuniary profit was authorized.<sup>233</sup>

Provision was made for the issuance of permits to foreign corporations not organized for pecuniary profit to do business in Iowa under certain conditions.<sup>234</sup>

#### CRIMINAL LAW

The overwhelming negative vote in the House of Representatives on the bill to repeal the so-called Sunday blue laws was taken by the Attorney General as an indication that the legislature wished to have these laws strictly enforced. An unsuccessful attempt was made to increase the penalty for the breach of the Sabbath. The attempt to repeal the anti-tipping law also met with failure.

Considerable additions were, however, made to the criminal statutes. The penalty for the possession of burglar's tools with the intent to commit the crime of burglary was increased from five to fifteen years imprisonment, and the fine may go as high as \$1,000.<sup>235</sup> The law relating to the crime of burglary by means of explosives was strengthened and made to include the employment of electricity, acetylene, or other gas as a means of opening any safe or other secure place. Punishment in such cases may be forty years in the penitentiary;<sup>236</sup> and the penalty for bank holdups or "stick-ups" was made from ten years to life imprisonment "at hard labor".<sup>237</sup>

Jumping on moving cars "for the purpose of riding thereon without the payment of the usual fare" is made a misdemeanor,<sup>238</sup> and the unlawful boarding of engines and cars

<sup>233</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 143.

<sup>234</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 354.

<sup>235</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 65.

<sup>236</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 169.

<sup>237</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 247.

<sup>238</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 125.

with intent to commit a public offense is made punishable by imprisonment not exceeding five years or by a fine of not exceeding \$1,000.<sup>239</sup>

The act of the Thirty-fifth General Assembly relative to fraudulent advertising was re-written and strengthened, and the penalty prescribed was not less than ten nor more than one hundred dollars, or thirty days in jail, for each offense.<sup>240</sup>

A law was enacted providing for the punishment of the fraudulently making, delivering, or uttering of checks, drafts, or written orders upon banks by a fine of not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days. Under this act persons overdrawing their accounts without permission may be subject to the penalties prescribed, but payment upon demand by the drawee or within three days by the drawer will stop all prosecution under this act.<sup>241</sup>

Another act prohibits the so-called practice of ambulance-chasing for the purpose of inducing residents of the State to bring suits outside the State on personal injury or death claims arising within the State; and prohibits the solicitation of such claims and the prosecution of suits in foreign jurisdictions.<sup>242</sup>

It was made unlawful to keep or operate for hire any pool or billiard tables or bowling alleys outside of the limits of cities and towns without procuring a license from the county auditor on resolution of the board of supervisors.<sup>243</sup>

The law relating to the desecration of the flag was partly repealed and partly re-written; it was strengthened by in-

<sup>239</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 355.

<sup>240</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 190.

<sup>241</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 268.

<sup>242</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 293.

<sup>243</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 358.

cluding in its provisions the improper use of any shield or other insignia of the United States, and any flag, ensign, great seal, or other insignia of this State. The penalty for the violation of this act remains the same as before, but suits may now be brought in the name of the State. It is further made the duty of peace officers to enforce the law, and they are subject to removal for failure to do so.<sup>244</sup>

#### JUDICIAL PROCEDURE

Persons in the county home, as well as persons in the insane hospitals, may be given personal notice of process by the acknowledgment of the Superintendent.<sup>245</sup>

Owners of any line for the transmission of electric current may have an action brought against it in any county through which it passes.<sup>246</sup>

The limitation on the right of action for the recovery of an interest in real estate, when the spouse failed to join in conveyance, was advanced from 1890 to 1905.<sup>247</sup>

Two years, instead of five, is the time now prescribed within which to bring an action to set aside a will.<sup>248</sup>

The law as found in the Code in regard to obstructing the action of justice was expanded and strengthened and the penalty in such cases was doubled.<sup>249</sup>

An act was passed which authorizes the court, before or after judgment is entered, to permit an amendment of the original notice according to the truth of the case.<sup>250</sup>

The law compelling non-resident or alien litigants to put up a bond for security for costs was re-written and made

<sup>244</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 411.

<sup>245</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 217.

<sup>246</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 424.

<sup>247</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 351.

<sup>248</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 63.

<sup>249</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 383.

<sup>250</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 31.

more explicit.<sup>251</sup> Provision was made for the payment of costs and fees out of the State treasury in certain criminal cases involving inmates confined in State institutions;<sup>252</sup> expenses in extradition cases, even though no conviction followed, may be paid in the same manner.<sup>253</sup>

The parole system was extended by granting to the trial judge permission to suspend the sentence in the case of a first offender (except in certain cases enumerated) even if the offender is over twenty-five years of age.<sup>254</sup>

A bill to authorize verdicts by nine jurors was indefinitely postponed.<sup>255</sup>

An act relating to the selection of juries and the appointment of jury commissions in counties having a population exceeding 20,000 in which there is a city of 15,000 was placed upon the statute books.<sup>256</sup>

The number of petit jurors is fixed at twenty-four, unless the court or judge otherwise orders a greater or less number, not exceeding seventy-two. In the selection of juries, the clerk is directed to draw sixteen, instead of twelve, by lot from the regular panel; and each party now has "the right to peremptorily challenge three jurors and shall strike two jurors," and "after all challenges or waivers have been indicated the parties shall alternately in the same manner each strike two jurors from the list."<sup>257</sup>

The law relating to the instruction of juries in the district court was re-written, repealing the provision requiring the submitting of instructions first to the lawyers and requiring objections to be made in advance. Hereafter exceptions to

<sup>251</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 47.

<sup>252</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 311.

<sup>253</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 88.

<sup>254</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 206.

<sup>255</sup> *House File*, No. 59.

<sup>256</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 267.

<sup>257</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 310.

the instructions of the court may be made within five days after the verdict in the case is filed, or within such further time as the court may allow.<sup>258</sup>

The fees of jurors were increased from \$2.50 per day to \$3.00 per day.<sup>259</sup>

A number of other acts relating to procedure in court were passed.<sup>260</sup>

*Municipal Courts.*—The long statute of the Thirty-sixth General Assembly authorizing certain cities to establish municipal courts was strengthened by numerous amendments relating chiefly to procedure.<sup>261</sup> Municipal courts were given concurrent jurisdiction with the district, superior, and justice courts in actions for forcible entry and detention of real property.<sup>262</sup>

The fees in municipal court cases are now to be paid out of the city treasury, instead of one-half from the city and the other half from the county treasury. The expenses of maintaining such courts are also to be paid from the city treasury.<sup>263</sup>

<sup>258</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 24.

<sup>259</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 59.

<sup>260</sup> Chapter 312 adds a clause to the law relating to joinder of actions against principal and agent to cover cases in which principal and agent are both involved in the same transaction.

Chapter 324 makes a few verbal changes in the law defining the duties and procedure of the clerk of the district court in relation to actions pending which affect real estate.

Chapter 325 regulates the manner of proof of certain titles to real property as against defects arising prior to 1905, and gives claimants one year in which to commence action.

Chapter 154 by a few verbal changes strengthens the law relating to conditional sales of personal property.

Chapter 250 amends the law relating to the disposition of the property of an intestate who dies leaving a surviving spouse and no issue.

Chapter 27 determines the liability of tenants in common in possession to their co-tenants out of possession.

<sup>261</sup> *Acts of the Thirty-seventh General Assembly* Ch. 75.

<sup>262</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 230.

<sup>263</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 226.



Transcripts of judgments from the mayor's courts as well as from the justice courts may be filed in the office of the clerk of the district court.<sup>264</sup>

#### WAR PREPARATIONS AND THE STATE MILITIA

On February 15, 1917, the Governor gave his approval to a Senate joint resolution pledging the military and financial resources of the State of Iowa to the President in support of his stand for preservation of national rights and dignity.<sup>265</sup> An act of April 10th appropriated one million dollars for "providing, equipping, and raising, and for the benefit of any military organization of the state of Iowa for service in the armies of the United States, on call of the President." It also provides aid for the dependents of enlisted men.<sup>266</sup> On April 13th a Senate joint resolution was sent to the Governor for his signature pledging the resources of the State to the government of the United States in the war with the imperial government of Germany, and an engrossed copy of the resolution was transmitted to the President of the United States, and to the President of the Senate and the Speaker of the House of Representatives of Congress.<sup>267</sup>

An appropriation of \$75,000 for the purchase and improvement of a suitable camp and training ground for the military forces of the State was made;<sup>268</sup> and \$250,000 was appropriated to build armories at the State University and at the State College of Agriculture and Mechanic Arts at Ames.<sup>269</sup> The annual appropriation for the National Guard was increased to \$100,000, making the amount available

<sup>264</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 389.

<sup>265</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 13.

<sup>266</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 207.

<sup>267</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 299.

<sup>268</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 283.

<sup>269</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 261.

\$265,000. At the same time the military code of the State was amended to harmonize with the Federal act of June 3, 1916.<sup>270</sup>

The Governor was authorized to have a census of the resources of the State in men and material available for war taken forthwith, and the information gained was to be placed at the service of both the State and Federal governments. For this purpose \$15,000 was appropriated.<sup>271</sup>

Extraordinary powers were granted to the Governor as a war measure. He was vested with power "to call upon any citizen or citizens or any other agency of the state to assist him in the protection of life and property in the state of Iowa and to enforce the laws of the state of Iowa and the United States". Such persons or agencies as he may call to his assistance will have power to make arrests with or without process or to perform any of the duties now vested in any special agent, sheriff, or other police officer in any part of the State. Under this act the Governor may organize such secret service or State constabulary as he deems necessary. To carry out the provisions of this act \$50,000 of the million dollar war fund may be used.<sup>272</sup>

Another act authorizes the Governor, as a war measure, to require the registration of all aliens within the State of Iowa, and to require the occupant of every private residence and the proprietor or manager of every hotel, inn, boarding and rooming house to notify the public authorities within twenty-four hours of the presence therein of every subject or citizen of such foreign countries as the Governor may require, and daily thereafter to give notice of the arrival or departure of such persons. The maximum penalty for the violation of the act is a fine of \$1,000, or imprisonment

<sup>270</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 314.

<sup>271</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 265.

<sup>272</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 295.

for one year, or both.<sup>273</sup> Still another act provides heavy penalties for inciting insurrection or sedition or for becoming a member of any organization for that purpose.<sup>274</sup>

Two acts passed for the benefit of soldiers and sailors are the outgrowth of the war. All persons in the military or naval service of the United States are "exempted while in such service and for a period of six months after the termination of the war or of said service or death from the payment of any" financial obligation. And all litigation to which such persons are now parties may be continued until the termination of their service or their death. The homesteads of such persons, or property to the amount of \$10,000 is exempt from taxation during their term of service in the present war, and "the statute of limitations shall not run against any action held against anyone affected by this act during the time the same is stayed by the terms of this act."<sup>275</sup> The law which forbade the holding of a civil office by a person in the military service was repealed.<sup>276</sup>

#### DRAINS AND DITCHES

Ever since the adoption of the drainage amendment to the Constitution in 1908 there has been a large biennial output of legislation on levees, ditches, and drains. Fourteen acts of the 1917 session have to do with drainage projects.

Provision was made that in the election of drainage trustees, land-owners without regard to sex are permitted to cast at least one vote. If, however, sixty per cent of the land-owners in a district petition for the right to vote in proportion to their assessments, then each land-owner shall be entitled to one vote for each ten dollars of the original assessment against land owned by him.<sup>277</sup>

<sup>273</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 378.

<sup>274</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 372.

<sup>275</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 380.

<sup>276</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 12.

<sup>277</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 307.

Permission was granted to drain Tow Head Lake in Calhoun County, Birge and Grass lakes in Emmet County, and Swan Lake in Johnson County — all of which had been specifically recommended for drainage by the State Highway Commission.<sup>278</sup> The drainage of Keokuk Lake, Odesa Lake, Muscatine Slough,<sup>279</sup> East Swan Lake, and Ryan Lake<sup>280</sup> was legalized. The State Treasurer is required to pay to the counties in which lake beds are situated the net proceeds of the sales of such lake beds as provided by law.<sup>281</sup> Other drainage acts consist chiefly of minor verbal amendments to existing laws.<sup>282</sup>

#### WEIGHTS AND MEASURES

An act was passed making it unlawful to call, claim, or represent any coal, charcoal, or coke as being the product of any county, State, or Territory, except that in which it was mined or produced, or to represent that it contains more British thermal units than it does in fact contain.<sup>283</sup>

The standard for climax baskets fixed by the United States standards — that is, two-quart, four-quart, and twelve-quart — is adopted for Iowa. This legislation becomes effective November 1, 1917. The net weight of products sold in such baskets must still be as provided by law.<sup>284</sup>

After January, 1918, provision is made that one hundred and ninety-six pounds avoirdupois shall be considered a barrel of flour, and that one-fourth barrel consisting of forty-nine pounds shall be considered one sack of flour.<sup>285</sup>

<sup>278</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 347.

<sup>279</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 165.

<sup>280</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 216.

<sup>281</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 246.

<sup>282</sup> *Acts of the Thirty-seventh General Assembly*, Chs. 28, 127, 161, 221, 264, 302, 344, 414, 415.

<sup>283</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 80.

<sup>284</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 251.

<sup>285</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 57.

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STATE INSTITUTIONS

Plans were approved for the following buildings at State educational institutions:

University shops, not to exceed.....	\$ 30,000.00
Dairy laboratory, not to exceed.....	36,000.00
Home Economics Building, not to exceed	110,000.00
Industrial and class room building (College for Blind) not to exceed.....	20,000.00

The State Board of Education was authorized to erect all of these buildings.<sup>286</sup>

The contract of the Iowa Farm Tool Company of Fort Madison with the State of Iowa through the Board of Control was extended to May 1, 1918.<sup>287</sup>

At the Soldiers' Home the Commandant was granted, without cost, maintenance, including provision for himself and family, from supplies purchased for the institution.<sup>288</sup>

The Board of Control was directed to employ convict labor in paving roads through the grounds of the School for the Deaf, for which an appropriation was made.<sup>289</sup>

An attempt to abolish certain chairs in the College of Homeopathic Medicine at the State University failed.<sup>290</sup>

MISCELLANEOUS ACTS

A United States government superintendent of any Indian agency in this State is authorized to solemnize marriages when the contracting parties are members of an Indian tribe under his supervision; and for such marriages no license is required, but the return to the county clerk required by law must be made.<sup>291</sup> The judges of the munic-

<sup>286</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 297.

<sup>287</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 328.

<sup>288</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 395.

<sup>289</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 276.

<sup>290</sup> *Senate File*, No. 261.

<sup>291</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 313.

ipal courts were added to the list of those who may solemnize marriages.<sup>292</sup>

The location of the Iowa Soldiers' and Sailors' Monument was permanently fixed where it now stands on the capitol grounds, and the Executive Council was directed to remove the Allison monument.<sup>293</sup>

A Dodge memorial commission was created with authority to receive subscriptions and donations for a monument or memorial to General Grenville M. Dodge, to be located at Council Bluffs, Iowa.<sup>294</sup>

The bulk sales law enacted by the Thirty-fourth General Assembly and amended by the Thirty-sixth General Assembly was repealed and re-written.<sup>295</sup>

Other acts which would be grouped under this heading are of minor importance.<sup>296</sup>

#### LEGALIZING ACTS

One hundred and two legalizing acts were passed. Of these thirty-nine legalize ordinances for the granting of franchises, chiefly for electric light and power plants, in cities and towns; twenty-eight legalize bonds, warrants, resolutions and other acts of cities and towns; eight legalize the acts of school corporations; sixteen are general legalizing acts such as legalizing defective platting of cities and towns, acknowledgements, releases of mortgages, original notices, and the like; and eleven acts remove clouds from titles to real estate, grant patents, or correct errors.

#### APPROPRIATIONS

One of the most important functions of a State legislature is the granting of appropriations to carry forward the

<sup>292</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 36.

<sup>293</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 99.

<sup>294</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 2.

<sup>295</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 64.

<sup>296</sup> See *Acts of the Thirty-seventh General Assembly*, Chs. 25, 114, 176, 192, 348.

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activities of the State government. The maintenance of these activities, which are ever increasing and expanding, must be borne by appropriations from the State treasury, which relies upon the general property tax as the chief source of revenue. Thus the burden of the maintenance of government and its functions falls upon the citizens of the State. "It distributes itself", says Professor Munro, "through every item of family expenditure. It appears in the rent bill and in the price of everything that the poor man as well as the rich man must buy. The landlord and

APPROPRIATIONS FOR THE MAINTENANCE OF THE  
STATE GOVERNMENT AND STATE OFFICES

CHAPTER	FOR WHAT	AMOUNT	PERIOD
292	For State and judicial officers, State and other expenses (Omnibus Bill)	\$ 815,383.57	For the biennium with some lump sum appropriations
1	Additional employees during the session of the Thirty-seventh General Assembly	1,480.00	lump sum
284	Investigation of value of railroads	40,000.00	lump sum
231	For law enforcement	25,000.00	annually
273	For investigation of cement trust	5,000.00	lump sum
260	For submission of interstate rate cases	113,900.00	lump sum
93	For railroad maps of Iowa	4,800.00	lump sum
298	For prosecuting interstate and intrastate cases	500.00	lump sum
315	Increase in salary of Secretary of Railroad Commission	400.00	annually
374	Increase in salary of Adjutant General	300.00	annually
40	Salary of Superintendent of Banking	4,000.00	annually
377	Increase in salary of food and dairy assistants	400.00	annually
289	For State Apiarist	1,500.00	annually
290	For State Board of Vocational Education	2,500.00	annually
326	For office of Registrar of Vital Statistics	3,000.00	annually
235, 255, 256, 257	Four new district judges, and increase in salaries of all others	91,000.00	for biennium
	Total	\$1,146,263.57	

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APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF  
STATE INSTITUTIONS

CHAPTER	FOR WHAT	AMOUNT	PERIOD
281	The State University of Iowa	\$ 220,000.00	annually for two years
		270,000.00	for the biennium
	The State College of Agriculture and Mechanic Arts	175,000.00	annually for two years
		335,000.00	for the biennium
	State Teachers' College	94,500.00	annually for two years
		60,700.00	for the biennium
	College for the Blind	5,500.00	annually for two years
		23,500.00	for the biennium
214	For a hospital for crippled children	150,000.00	lump sum
282	For a child welfare research station	25,000.00	annually
288	For uncompleted buildings at the State University and at the State College	100,000.00	lump sum
271	For institutions under the Board of Control	1,323,830.00	for biennium
52	For building at the Soldiers' Home	65,000.00	lump sum
361	To transfer female inmates from Reformatory at Anamosa to Reformatory for Females at Rockwell City	1,000.00	lump sum
370	Increased appropriation for state agents	2,000.00	for biennium
285	Increased appropriation for the State Bacteriological Laboratory	2,000.00	annually
252	Increased appropriation for the State Historical Society	4,000.00	annually
141	To buy additional land for the State Fair Grounds	12,500.00	lump sum
272	To repair building, etc., on the State Fair Grounds	20,000.00	lump sum
	Total	\$3,419,530.00 <sup>297</sup>	

<sup>297</sup> All annual appropriations have been doubled in addition, in this and the above table.



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**APPROPRIATIONS FOR THE IMPROVEMENT OF STATE PROPERTY**

CHAPTER	FOR WHAT	AMOUNT	PERIOD
259	To fireproof Old Capitol Building at Iowa City	\$ 50,000.00	lump sum
359	To pave, etc., adjacent to Soldiers' Home	4,000.00	lump sum
287	To pave adjacent to Inebriate Hospital	11,000.00	lump sum
276	To pave through grounds of School for Deaf	6,000.00	lump sum
279	To improve Wall Lake	3,500.00	lump sum <sup>298</sup>
	Total	\$ 74,500.00	

**APPROPRIATIONS FOR WAR PREPARATIONS AND STATE MILITIA**

CHAPTER	FOR WHAT	AMOUNT	PERIOD
207	For equipping and raising of troops, etc.	\$1,000,000.00	lump sum
283	For training camp and grounds	75,000.00	lump sum
261	Armories at S. U. I. and Ames	250,000.00	lump sum
314	Increased appropriation for National Guard	100,000.00	annually
265	For census of resources of State	15,000.00	lump sum
	Total	\$1,540,000.00 <sup>299</sup>	

**APPROPRIATIONS TO SATISFY CLAIMS**

CHAPTER	FOR WHAT	AMOUNT	PERIOD
280	To indemnify Edmund Cassel for injuries	\$ 1,000.00	lump sum
291	To indemnify J. R. Close for hogs killed	225.00	lump sum
275	To indemnify Ellen Dugan for injuries	175.00	lump sum
277	To indemnify Rolla Gallagher for injuries	743.50	lump sum
241	To indemnify Grace Ginther for injuries	1,000.00	lump sum
269	To indemnify Mrs. J. H. Green, Sr., for loss of son	1,500.00	lump sum
360	To indemnify P. J. Kappelman for horses killed	400.00	lump sum
239	To indemnify Dr. H. A. Mack for medical service	15.00	lump sum
274	To indemnify Daniel McNabb for injuries	500.00	lump sum
92	To indemnify parents of Ralph Sherman for loss of son	2,000.00	lump sum
	Total	\$ 7,558.00	

<sup>298</sup> To be paid from the Fish and Game Protection Fund.

<sup>299</sup> Annual appropriation, doubled in addition.

## APPROPRIATIONS FOR MISCELLANEOUS PURPOSES

CHAPTER	FOR WHAT	AMOUNT	PERIOD
129	To celebrate 54th anniversary of siege of Vicksburg	\$ 40,000.00	lump sum
187	To encourage dairy industry (to Iowa State Dairy Association)	7,500.00	biennium
	To encourage beef cattle industry (to Iowa Beef Cattle Producers' Association)	7,500.00	biennium
	To encourage small grain industry (to Iowa Corn and Small Grain Growers' Association)	5,000.00	biennium
8	Expenses of inauguration of Governor Harding	426.46	lump sum
219	To publish laws of 36th General Assembly	600.00	lump sum
142	Refund to Des Moines Water Company	462.50	lump sum
130	To Lyon County Fair	749.90	lump sum
286	To Boone County Agricultural Society	143.85	lump sum
278	To settle liability in the sale of school lands	51.28	lump sum
363	To State Poultry Association	500.00 <sup>300</sup>	
	To county poultry associations	100.00 <sup>301</sup>	
164	Monthly pensions to survivors of Northern Border Brigade	20.00 <sup>302</sup>	
308	For education of each deaf child in the public school per month	11.00	
	Total	\$ 72,833.99 <sup>303</sup>	

the groceryman are . . . agents for the collection of taxes even if neither they nor their tenants and customers realize the fact."

To find out the exact amount of money appropriated or authorized to be expended for the maintenance of the State government, its institutions, and other causes which the Assembly have deemed worthy of support is a difficult undertaking. Many laws not listed as appropriation acts

<sup>300</sup> The act contemplates an annual appropriation, but the appropriating clause appears as a lump sum appropriation.

<sup>301</sup> Not over \$100 to be paid in each county. The total estimates \$100 for each county.

<sup>302</sup> Twenty dollars monthly for life to each survivor.

<sup>303</sup> The last two items are not included in the total, as it is impossible to compute the amount that will be expended.

do in fact carry appropriations. Moreover, many charges upon the State treasury have been fixed by previous legislative authority and do not reappear in the appropriation acts of succeeding Assemblies unless changes in the amounts are made. The tendency of recent Assemblies has been to grant the large appropriations for State institutions for the ensuing biennial period, thus making the total amount appropriated to such institutions clear to everyone.

In the accompanying tables an attempt has been made to classify the appropriations of the Thirty-seventh General Assembly into five groups, giving the period for which each appropriation is granted. If no period is given the appropriations are considered as lump sum appropriations or the total amount for the ensuing biennial period. As near as the writer can estimate it will take \$6,292,685.56 to meet the appropriation acts of the Thirty-seventh General Assembly, exclusive of charges fixed by previous Assemblies. The Assembly estimated that it would require \$13,000,000 to be raised by taxation to meet the needs of the State during the following biennium, that is, from July, 1917, to July, 1919.

#### TAXATION

To meet the obligations placed upon the State treasury by the Thirty-seventh General Assembly, in addition to fixed charges previously authorized, the amount of revenue for general State purposes was designated and fixed at \$13,000,000 for the ensuing biennial period — \$7,000,000 of this amount to be provided for by the levy of 1917 and \$6,000,000 by the levy of 1918.<sup>304</sup>

A notable reform in the method of levying taxes was adopted. Those charged with the duty of certifying the authorized rate to the county auditor or board of supervisors must, before certifying the same, compute the amount of tax the authorized rate will raise, stated in dollars, and

<sup>304</sup> *Acts of the Thirty-seventh General Assembly, Ch. 296.*

then certify the amount in dollars and not by rate to the county auditor and board of supervisors.<sup>305</sup> The object of this law is to let the citizen know just how much money is being raised for various purposes. The inability of the citizen to know just how much money a half-mill in his community will raise is obvious.

The method of adjusting valuations in the counties by the Executive Council is made clearer.<sup>306</sup>

County treasurers are required to mail a statement to each delinquent tax-payer, not later than the first day of November of each year.<sup>307</sup>

The tax exemptions of honorably discharged Union soldiers and sailors of the Mexican War and the Civil War and their unmarried widows was increased from \$1,500 to \$1,800; and soldiers and sailors of the Spanish War, Chinese Relief Expedition, and the Philippine Insurrection were granted an exemption of \$500.<sup>308</sup> A few other tax laws of minor importance were also enacted.<sup>309</sup>

#### CONCLUSION

In conclusion the writer wishes to call attention to the increasing tendency on the part of the State to take upon itself new functions, and the tendency toward centralization in matters formerly wholly within the jurisdiction of the local governments. It is the belief of the writer that these tendencies will continue to increase and that the citizen will give a ready acquiescence so long as the results are productive of greater economy and efficiency in government.

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<sup>305</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 343.

<sup>306</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 139.

<sup>307</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 137.

<sup>308</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 191.

<sup>309</sup> *Acts of the Thirty-seventh General Assembly*, Chs. 242, 337, 416.

## SOME PUBLICATIONS

*Economic History of Wisconsin During the Civil War Decade.* By FREDERICK MERK. Madison: State Historical Society of Wisconsin. 1916. Pp. 414. Portraits, plates, map. With this timely volume the State Historical Society of Wisconsin initiates a new series of publications to be known as *Studies*, in which will be issued from time to time monographs of book length.

Mr. Merk's volume is a distinct contribution to the economic history of the entire upper Mississippi Valley region, and it sheds much light on the effect of war upon the industries of a country. The period of time covered extends roughly from 1857 to 1873. The range of subjects discussed is indicated in the titles of the chapters, namely: agriculture, lumbering, mining, manufacturing, labor, banking, trade, railroad farm mortgages, railroad construction, railroad consolidation, the antimonopoly revolt, the genesis of railroad regulation, commerce of the upper Mississippi, and commerce of the Great Lakes. Iowans will find much to interest them in the volume aside from the fact that it is a study of conditions in a typical State of this region. There are frequent references to agriculture, trade, and industry in Iowa during the period under discussion. Some idea of the importance of an Iowa industry which has now largely disappeared may be gained from the statement that "Iowa river towns received and distributed at this time more than half of the total product of the Wisconsin and Minnesota pineries."

The book is well written, copiously supplied with notes and references, and made useable by means of an excellent index.

*Illinois in 1818.* By SOLON JUSTUS BUCK. Springfield: The Illinois Centennial Commission. 1917. Pp. xxvi, 362. Portraits, plates, maps. This volume constitutes a very valuable feature of the plans of the Illinois Centennial Commission for the celebration of the one hundredth anniversary of the admission of the State into the Union. The book, in the words of the author "is an attempt to

portray the social, economic, and political life of Illinois at the close of the territorial period, and, in addition, to tell the story of the transition from colonial dependence to the full dignity of a state in the union."

Chapter one contains a thirty-five page discussion of the Indians and the fur trade in the northern part of the State — a discussion which has many bearings on Iowa history because of the similarity of conditions on both sides of the Mississippi. Then come chapters on the public lands, the extent of settlement in 1818, and the pioneers. Chapters five, six, and seven deal with the economic situation, social conditions, and the political situation — the first two being described partly by the use of quotations from contemporary literature. The movement for admission, the framing of the Constitution, and the events immediately following admission into the Union are described in the remaining chapters.

It need scarcely be said that the volume is a scholarly and painstaking piece of work. More than three hundred footnotes furnish guidance to source material. There are numerous cuts illustrative of events and conditions in the pioneer history of Illinois. A comprehensive index completes the volume, which is attractively printed and bound.

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*The American Indian's Appeal*, by A. B. Freeman; *The New Indian Leadership*, by John M. Oskison; *Higher Academic Training for Indians*, by Fred Bender; *Absorbing the Indian*, by M. B. Hannah, are articles in the April-June number of *The American Indian Magazine*.

*Early American Poetry to 1820: A List of Works in the New York Public Library*, compiled by John C. Frank, is to be found in the August number of the *Bulletin of the New York Public Library*.

Among the articles in the August number of *The Quarterly Journal of Economics* is one of considerable length on *The Use of Private Tokens for Money in the United States*, by B. W. Barnard.

*Manual Labor Schools in the South*, by Edgar W. Knight; *On the Death of Stonewall Jackson*, by Daniel B. Lucas; *The Effect of Bonds and Taxes in War Finance*, by Roy G. Blakey; *The Black*

*Codes*, by John M. Mecklin; and *The Open-Market Operations of the Federal Reserve Banks*, by R. M. Johnston, are articles in the July number of *The South Atlantic Quarterly*.

The July number of the *Smith College Studies in History* contains a monograph on the *Trade of the Delaware District Before the Revolution*, by Mary Alice Hanna.

Among the articles in the April-June number of *The Journal of American History* are the following: *James Fenimore Cooper*, by Charles A. Ingraham; *Mount Vernon, the National Shrine of the American People*, by Mabel T. R. Washburn; and *An American Princess: Elizabeth (Patterson) Bonaparte, Wife of Jerome Bonaparte, Napoleon's Brother*, by Eloise Somerlatt. Interspersed among these and other articles are a number of cuts of scenes in the early history of Oregon and the Pacific Northwest.

Continuations of *The Delegation of Legislative Power to Cities*, by Howard L. McBain; and *The Trainmen's Eight-hour Day*, by Edwin Clyde Robbins, are to be found in the *Political Science Quarterly* for September. A supplement contains a *Record of Political Events* for the year ending July 31, 1917, by Edward M. Sait and Parker T. Moon.

Four articles are to be found in *The Journal of Negro History* for July, namely: *The Formation of the American Colonization Society*, by Henry Noble Sherwood; the second installment of *The Evolution of the Slave Status in American Democracy*, by John M. Mecklin; *History of the High School for Negroes in Washington*, by Mary Church Terrell; and *Our New Possessions: the Danish West Indies*, by Leila Amos Pendleton. The last named article is supplemented by some documents.

*America's Relation to the World Conflict* is the general topic of discussion in the July number of *The Annals of the American Academy of Political and Social Science*. Among the numerous articles is one on *The Bohemian Question*, by Charles Pergler of Cresco, Iowa. The September number of the *Annals* is devoted to the subject of *Justice Through Simplified Legal Procedure*.

*French Military Theory 1871-1914*, by Emile Laloy; *Pope's Campaign in Virginia*, by R. M. Johnston; *Visayan Campaigns: The Insurrection of the Sugar Planters on Panay*, by H. V. Bronson; and an unsigned article entitled *An Estimate of the Situation* are the principal contributions in the July number of *The Military Historian and Economist*.

Charles H. Cunningham is the author of an article on *Spain and the War* which opens *The American Political Science Review* for August. Edward Raymond Turner discusses *Opposition to Home Rule*. A paper by John A. McIlhenny deals with *The Merit System and the Higher Offices*. John A. Fairlie presents a study of *The Veto Power of the State Governor*. The last of the long articles is one by H. Feldman on *The Direct Primary in New York State*. The *Legislative Notes and News*, conducted by John A. Lapp, deal with constitutional conventions, legislative activity in Massachusetts in 1916, the New York State police, and a summary of budget provisions. A supplement contains an index to the *Review* from 1906 to 1916 and to the *Proceedings* of the American Political Science Association from 1904 to 1913.

*Household Manufactures in the United States 1640-1860: A Study in Industrial History*, by Rolla Milton Tryon, is a volume of over four hundred pages published by the University of Chicago Press. After an introductory chapter the author discusses the factors affecting household manufactures in the colonies, the status of household manufactures in the colonies, a quarter-century of developments from 1784 to 1809, a year's output of the family factory, the products of the family factory, the transition from family-made to shop and factory-made goods, and the passing of the family factory. Anyone interested in the study of pioneer life in America will find the volume both interesting and valuable. There is some data bearing on conditions in Iowa, but this State was settled too late to come very decidedly within the period of household manufacturing.

#### WESTERN AMERICANA

*The Bulletin of the Indiana State Library* for June contains a *War Bibliography*.



*The Roads that Ruled the Old World*, by Joe L. Long; and *The First Military Highway in America* are two articles in the July number of *The Road-Maker*.

In *Special Libraries* for June there is a *Selected Bibliography on State Constitution-Making*.

Among the articles in the July number of *The Quarterly Journal of the University of North Dakota* are the following: *The University in the Service of Society*, by John Morris Gillette; and *Emerson as a Social Philosopher*, by George R. Davies.

*A Pioneer History of Kentucky*, by R. S. Cotterill, has been published by Johnson and Hardin of Cincinnati.

*The Early Explorations of Father Garcés on the Pacific Slope*, and *French Intrusions into New Mexico, 1749-1752*, both by Herbert E. Bolton, have been reprinted in pamphlet form from the volume entitled *The Pacific Ocean in History*, published by the Macmillan Company.

Number four of the *Manuscripts from the Burton Historical Collection*, collected and published by Clarence M. Burton and edited by M. Agnes Burton, appeared in July. A description of Peter Lewney's adventures in Detroit in 1757, Daniel Boone's petition to Congress in 1810, an account of the adventures of Henry Bird, and some further documents on early Indiana history, consisting chiefly of letters from the correspondence of William Henry Harrison, make up the contents.

*Ceremonies of the Pomo Indians*, by S. A. Barrett; *Pomo Bear Doctors*, by the same author; and *The Position of Yana in the Hoka Stock*, by E. Sapir, are studies which appear as recent numbers of the *University of California Publications in American Archaeology and Ethnology*.

Volume six, numbers one and two of the *University of Illinois Studies in the Social Sciences*, published in March and June, contain a study of *The Veto Power of the Governor of Illinois*, by Niels H. Debel. The five chapters deal with the general development of the veto power, the council of revision from 1818 to 1848, the suspensive

veto under the Constitution of 1848, the veto power under the Constitution of 1870, and summaries and conclusions.

*Party Organization and Machinery in Michigan Since 1890* is the subject of a doctoral dissertation by Arthur C. Millspaugh which constitutes a recent number of the *Johns Hopkins University Studies in Historical and Political Science*. An introduction; party committees, primaries, and conventions, 1890-1904; direct primary legislation; the committee system under direct primaries; direct nominations in operation; campaign management and finance; and conclusions are the headings of the various chapters.

#### IOWANA

A number of tributes to the late James H. McConlogue are to be found in the April number of the *Bulletin of State Institutions*.

A *Memorial Address*, delivered on May 30th by E. W. Stanton, appears in *The Alumnus of Iowa State College* for June. In the July number will be found brief biographical sketches of A. S. Welch, W. M. Beardshear, J. L. Budd, S. A. Knapp, C. E. Bessey, Millikan Stalker, and L. W. Noyes.

In *The Grinnell Review* for June-July there is a brief sketch of *The College in the Civil War*.

*The War and the West*, by John A. Cavanagh, is an article in the July number of *The Northwestern Banker*. In the September issue, among others, are the following articles: *Making the Money to Pay for the War*, by Felix J. Koch; and *The Growth of Life Insurance*, by Emory English.

In the May number of the *Iowa Law Bulletin* there is an article by D. O. McGovney entitled *The Webb-Kenyon Law and Beyond*. The validity and meaning of the Webb-Kenyon Law, the validity of State laws prohibiting the shipment and sale of intoxicating liquor, the consequences of the Webb-Kenyon Law, the act of March 3, 1917, and the bearing of the Fourteenth Amendment are the sub-topics.

The *Proceedings* of the Iowa Daughters of the American Revolution at the seventeenth and eighteenth annual conferences in 1916

and 1917 have been published. Among other things there will be found reports concerning the work of the organization along the line of the marking of historic sites and the encouragement of a study of local history.

*Legislative Abuse of Legalizing Power* is the title of an unsigned article in the August number of *Midland Municipalities*. There is also a brief discussion of the *New Debt Limitation*, and an article on the *Regulation of Coal Prices*, by Clifford Thorne. In both numbers there will be found a digest of *The Health Laws of Iowa*.

*Men of Note in the First Decade of the Nineteenth Century*, by Heman C. Smith; *Historical Record of Events Prior to and Including the Organization of the Massachusetts District*, by William A. Sinclair; the *Autobiography of Elder Warren E. Peak*; and *A Brief History of the Seventy in Wales*, by James F. Mintun, are among the contributions in the July number of the *Journal of History* published at Lamoni, Iowa, by the Reorganized Church of Jesus Christ of Latter Day Saints.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aurner, Nellie Slayton,

*An Analysis of the Interpretations of the Finnsburg Documents*. Iowa City: The State University of Iowa. 1917.

Ayres, Philip Wheelock,

*Mountain Trails in New England* (Review of Reviews, July, 1917).

Bess, Elmer Allen, and Emma C.,

*Twenty-five*. New York and Chicago: Fleming H. Revell Co. 1917.

Betts, George Herbert,

*Class-room Method and Management*. Indianapolis: The Bobbs-Merrill Co. 1917.

Brown, Charles Reynolds,

*Five Young Men*. New York and Chicago: Fleming H. Revell Co. 1917.

Butler, Ellis Parker,

*Dominie Dean*. New York and Chicago: Fleming H. Revell Co. 1917.

- Cody, William F.,  
*Buffalo Bill's Own Story of his Life and Deeds.* Chicago:  
 Homewood Press. 1917.
- Collins, Henry A.,  
*Life Annuity Bonds.* Grinnell, Iowa: Grinnell College. 1917.
- Garland, Hamlin,  
*A Son of the Middle Border.* New York: The Macmillan Co.  
 1917.
- Gillette, Halbert Powers,  
*Handbook of Clearing and Grubbing Methods and Cost.* New  
 York: Clark Book Co. 1917.
- Greer, William Allen,  
*A Boy on the Plains and in the Rockies and Other Stories.*  
 New York: Gorham Press. 1917.
- Hough, Emerson,  
*The Broken Gate.* New York: D. Appleton & Co. 1917.
- Hueston, Ethel,  
*Sunny Slopes.* Indianapolis: The Bobbs-Merrill Co. 1917.
- Hughes, Rupert,  
*We Can't Have Everything.* New York: Harper & Bros. 1917.
- Hutchinson, Woods,  
*Child Hygiene, First Aid to the Uninjured* (National Educa-  
 tion Association Proceedings and Addresses, 1916).
- Kruse, Paul J. (Joint author),  
*Effect of Humidification of a School Room Upon the Intellec-  
 tual Progress of Pupils* (School and Society, June 2, 1917).
- Lewis, Ebenezer Ellesville,  
*Great Hymns and Modern Instances.* Sioux City: Perkins  
 Bros. Co. 1917.
- Mengelkamp, August,  
*The Manual of Natural Shorthand* (Fifth edition). Remsen,  
 Iowa: Published by the author. 1917.
- Miner, William Harvey,  
*The American Indians North of Mexico.* New York: G. P.  
 Putnam's Sons. 1917.
- Pergler, Charles,  
*The Bohemian Question* (Annals of the American Academy of  
 Political and Social Science, July, 1917).

- Robbins, Edwin Clyde,  
*The Trainmen's Eight-hour Day* (Political Science Quarterly,  
September, 1917).
- Roberts, George E.,  
*Property Rights and Trade Rivalries*. New York: The Na-  
tional City Bank of New York. 1917.
- Seerley, Homer Horatio,  
*National Aid to Vocational Education* (National Education  
Association Proceedings and Addresses, 1916).
- Starch, Daniel,  
*Experiments in Educational Psychology* (Revised edition).  
New York: The Macmillan Co. 1917.
- Steiner, Edward Alfred,  
*The Doctor Dog*. New York and Chicago: Fleming H. Revell  
Co. 1917.
- Tjernagel, T.,  
*Walking Trips in Norway*. Story City, Iowa: Published by  
author. 1917.
- Updegraff, Allen,  
*Second Youth*. New York: Harper & Bros. 1917.

## SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

*The Des Moines Register*

- Training Camp Greatest Event for Negroes Since Emancipation,  
July 15, 1917.
- When Hoover Faced Death, July 29, 1917.
- How the West Reacts to War, August 5, 1917.
- Williams Family Reunion, August 19, 1917.
- Fifty-two Years in Business in Des Moines, August 19, 1917.
- Sketch of the Life of the Late Abraham Slimmer, by Louis Murphy,  
August 20, 1917.
- Story of Iowa's First Overseas Force, September 2, 1917.
- Sketch of the Life of Charles McK. Saltzman, September 30, 1917.

*Miscellaneous*

- Iowa in War Time, in the *Sioux City Journal*, June 14, 1917.
- Adventure in the Civil War, in the *Ellsworth News*, June 14, 1917.

- Territorial Jurisdictions over Iowa Country, in the *Burlington Hawk-Eye*, June 20, 1917.
- Early History of Guthrie County, in the *Guthrie Center Guthrian*, June 21, 1917.
- Anniversary of the Iowa Tornado of 1882, in the *Stuart Herald*, June 22, 1917.
- The Frontier Sketches, running in the *Burlington Post*.
- Settlement of the New Purchase in 1843, in the *Burlington Hawk-Eye*, June 26, 1917.
- Government Estimates Concerning Survivors of Civil War, in the *Clarinda Journal*, June 28, 1917.
- Rev. Daniel Lane and his Keosauqua Academy, by J. W. Cheney, in the *Keosauqua Republican*, June 28, July 5, 1917.
- Recollections of John Mahin, in the *Burlington Hawk-Eye*, June 29, 1917.
- History of Crocker's Brigade, in the *Toledo Chronicle*, June 30, 1917.
- Old Papers found by Treasurer, in the *Creston Advertiser-Gazette*, July 2, 1917.
- Facts Concerning Second Iowa Infantry, in the *Cedar Rapids Republican*, July 3, 1917.
- Iowa Regiments in the Civil War, in the *Centerville Iowegian*, July 5, July 9, 1917.
- Old Fort at Cherokee, in the *Burlington Hawk-Eye*, July 6, 1917.
- Story County Soldiers in a Fighting Regiment During the Civil War, in the *Nevada Journal*, July 9, 1917.
- Civil War Veteran Recalls Days of 1861, in the *Des Moines Capital*, July 12, 1917.
- Mrs. Caroline Holm, an Early Settler of Davenport, in the *Davenport Democrat*, July 15, 1917.
- Liquor Confiscated by Constable in 1873-1874, in the *Cascade Pioneer*, July 19, 1917.
- The First Company to Offer Services in Civil War, in the *Burlington Hawk-Eye*, July 31, 1917.
- Old Fort Snelling, by Marcus L. Hansen, in the *Clinton Herald*, July 31, August 1, 2, 1917; and the *Fairfield Tribune*, August 23, 1917.

- Return of Company C, Nineteenth Iowa Infantry, in the *Washington Journal*, August 1, 1917.
- Sending Mail to the Front During the Civil War, in the *Boone Democrat*, August 2, 1917.
- The First Iowa Infantry, in the *Burlington Hawk-Eye*, August 2, 1917.
- The First Chapter in Iowa Railroading, in the *Des Moines Plain Talk*, August 2, 1917.
- The Iowa Way in War Time, in the *Burlington Hawk-Eye*, August 8, 1917.
- History of the Iowa Methodist Conference, in the *Oskaloosa Herald*, August 9, 1917.
- Iowa Enlistments in 1861, by John E. Briggs, in the *Clinton Herald*, August 15, 17, 18, 1917; and *Mason City Times*, August 19, 1917.
- Civil War Time Draft, in the *Davenport Times*, August 18, 1917.
- Sketches of the Lives of Old Settlers of Van Buren County, by Mrs. Eva Robinson, in the *Keosauqua Republican*, August 23, 1917.
- Peace in the Civil War, in the *Fort Dodge Messenger*, August 23, 1917.
- J. H. Upton, Pioneer Editor of Boone County, in the *Madrid Register-News*, August 23, 1917.
- Personal Recollections of Jacob Minchk, Allamakee County Pioneer, by A. M. May, running in the *Lansing Mirror*, beginning on August 24, 1917.
- The First Steamboat Whistle, in the *Des Moines Plain Talk*, August 30, 1917.
- History of Montezuma and Surrounding Country, by J. M. Grimes, in the *Grinnell Register*, August 30, 1917.
- Civil War Patriots of Cass County, in the *Atlantic News-Telegraph*, August 30, 1917.
- Old Settlers of Tama County, in the *Tama Herald*, August 30, 1917.
- Early Experience Near Oskaloosa, in the *Oskaloosa Herald*, September 1, 1917.
- State University prospered During Civil War, in the *Creston Advertiser-Gazette*, September 4, 1917.

When the Draft First Came to Iowa, in the *Madrid Register-News*, September 13, 1917.

The Early Frost in Iowa in 1883, in the *Des Moines Plain Talk*, September 13, 1917.

The Harvest of 1817, in the *Des Moines Plain Talk*, September 13, 1917.

Early Settlers of Polk County, in the *Des Moines Plain Talk*, September 13, 1917.

Roland Glenn of Center Junction Knew Governor Ansel Briggs, in the *Monticello Times*, September 14, 1917.

Pioneer Days in Bremer County, in the *Waverly Democrat*, September 19, 1917.

Sketch of the Life of Charles T. T. Mason, in the *Boone News-Republican*, September 20, 1917.



## HISTORICAL SOCIETIES

### PUBLICATIONS

*The Monroe Doctrine and the War*, by Carl Becker; and *Some Possibilities of Historical Field Work*, by Franklin F. Holbrook, are articles which appear in the May number of the *Minnesota History Bulletin*.

The July number of the *Ohio Archaeological and Historical Quarterly* is given up almost entirely to an illustrated account of *The Feurt Mounds and Village Site*, by William C. Mills.

A biographical study of *Karl Follen* of about two hundred and thirty pages, by G. W. Spindler, is to be found in volume sixteen of the *Jahrbuch der Deutsch-Amerikanischen Historischen Gesellschaft von Illinois*. Another contribution is one on *The German Element in the State of Colorado*, by Mildred S. MacArthur.

*Catalogue No. 5*, compiled by Miss Sally Jackson and published by the Kentucky State Historical Society, contains a list of the accessions of the Society from 1914 to 1917.

Volume sixteen, number one of *The James Sprunt Historical Publications*, published under the direction of the North Carolina Historical Society, consists of *A Colonial History of Rowan County, North Carolina*, by Samuel J. Ervin, Jr.

Volume four, number one of the *Memoirs of the American Anthropological Association* contains a monograph on *Matrilinial Kinship, and the Question of its Priority*, by E. Sidney Hartland.

*The Georgia Historical Quarterly* for September contains the following papers, among others: *Eleanor Kinzie Gordon*, by George A. Gordon; *Savannah in the 40's*, by Charles H. Olmstead; and *The Great Seals of Georgia: Their Origin and History*, by Henry R. Goetchins.

*Life of Alexander Henderson*, by Joseph Minton Batten, is a con-

tribution in the September number of the *Journal of the Presbyterian Historical Society*.

*The Latest History of Acadia*, by John M. Lenhart; *San Domingo Refugees in Philadelphia*, by Jane Campbell; and a continuation of *The Life of Bishop Conwell*, by Martin I. J. Griffin, are to be found in the *Records of the American Catholic Historical Society* for September.

*Remarks on a Voyage in 1801 to the Island of Guam*, by William Haswell; *The Grantees and Settlement of Hampton, N. H.*, by V. C. Sanborn, are two articles in the July number of the *Historical Collections of the Essex Institute*.

The *Maryland Historical Magazine* for June opens with a discussion of *Lord Baltimore's Contest with Sir David Kirke over Avalon*, by Henry J. Berkley. *Some Unpublished Manuscripts from Fulham Palace Relating to Provincial Maryland* are contributed by Bernard C. Steiner.

*Dartmouth College: Its Founders and Hinderers*, by Franklin B. Sanborn; *The Great Tornado of 1821*, by Fred W. Lamb; *General Thomas Bartlett*, by John Scales; *Stephen Bachiler: An Unforgiven Puritan*, by Victor C. Sanborn; *The Oyster River Massacre*, by John Scales; and *The Tories of New Hampshire*, by Otis G. Hammond, are papers in volume five of the *Proceedings of the New Hampshire Historical Society*, edited by Otis G. Hammond.

Henry A. M. Smith is the writer of an article on *The Orange Quarter and the First French Settlers in South Carolina* which has first place in *The South Carolina Historical and Genealogical Magazine*.

Three articles are to be found in *The Mississippi Valley Historical Review* for June, namely: *The Doukhobors in Canada*, by Elina Thorsteinson; *Sectionalism in Kentucky from 1855 to 1865*, by James R. Robertson; and *Historical Activities in the Old Northwest*, by Arthur C. Cole. In the department of "Notes and Documents" there are some *Notes on the Discovery of Gold in the Northwest*, by P. C. Phillips and H. A. Trexler.

The second and concluding installment of St. George L. Sioussat's study of *Memphis as a Gateway to the West* appears in the opening pages of the *Tennessee Historical Magazine* for June. W. A. Provine's biography of *Lardner Clark, Nashville's First Merchant and Foremost Citizen* is also concluded. Some *Selected Letters, 1844-1845, from the Donelson Papers*, are edited, with introduction and notes, by St. George L. Sioussat.

*The Superorganic*, by A. L. Kroeber; *Some Archaeological Work in Porto Rico*, by Herman K. Haerberlin; *Further Notes on Human Remains from Vero, Florida*, by E. H. Sellards; and *The Problem of Man's Antiquity at Vero, Florida*, by George G. MacCurdy, are articles in the April-June number of the *American Anthropologist*.

*Missouri's Centennial* is the subject of an address by Walter B. Stevens which is printed in the opening pages of the April-July number of *The Missouri Historical Review*. F. F. Stephens contributes a second article on *Missouri and the Santa Fe Trail*. A sketch of the life of *Major General John J. Pershing* is presented by Ivan H. Epperson. There is also another article by David W. Eaton on *How Missouri Counties, Towns and Streams were Named*.

*The Michigan History Magazine*, published by the Michigan Historical Commission, is the title of a new quarterly periodical, the first number of which appeared in July. Five articles make up the contents of this first number, namely: *A Sketch of the Life of Judge Isaac Marston*, by William L. Clements; *The Field for the Historian in the Upper Peninsula*, by F. X. Barth; *The Spirit of the Times*, by Woodbridge N. Ferris; *The First Bank in Michigan*, by William L. Jenks; and *Centenary of the Settlement of Oakland County*, by Mrs. Lillian Drake Avery. There is also a department devoted to historical news, notes, and comment.

*Edward Livingston*, by William H. Taft; *The President and the Presidency*, by L. Ames Brown; *A New Epoch*, by William Thomas Laprade; *The Sovereign State of North Carolina, 1787-1789*, by W. W. Pierson, Jr.; and *Suffrage in North Carolina*, by W. S. Wilson, are articles in the *Proceedings of the Seventeenth Annual Session of the State Literary and Historical Association of North Carolina*.

*The Spanish Settlement at Nootka* is the subject of an article by F. W. Howay which occupies the opening pages of *The Washington Historical Quarterly* for July. Hazard Stevens is the writer of a brief paper on *The Pioneers and Patriotism*. A short sketch of the career of *Richard Dickerson Gholson* is presented by Edmond S. Meany. *David Thompson's Journeys in the Spokane Country* are described by T. C. Elliott. Finally, under the heading of *Documents* there is printed a manuscript written by Angus McDonald and entitled *A Few Items of the West*.

A new historical periodical was launched in January by the Louisiana Historical Society, under the title of *The Louisiana History Quarterly*. The initial number contains, among others, the following articles and contributions: *The Choctaw of St. Tammany Parish*, by David I. Bushnell, Jr.; *Report of the Texas Boundary Made to the President of the Republic of Mexico in 1828*; the *Diary of Bernardo de Galvez of the Operations Against Pensacola, 1781*; and *The Orleans Territory Memorialists to Congress, 1804*, by Everett S. Brown.

Fred Wilbur Powell is the author of a biography of *Hall Jackson Kelley — Prophet of Oregon*, four chapters of which appear in the March number of *The Quarterly of the Oregon Historical Society*. These chapters deal with youth and early manhood, years of agitation, the plans and propaganda of the American Society, and the failure of the American Society. Leslie M. Scott is the writer of an article on *Soil Repair Lessons in Willamette Valley*.

*Pioneer Politics in Indiana*, by Logan Esarey; *Colonel John Paul, Hoosier Pioneer*, by Blanche G. Garber; *Notes Concerning Brookville, Ind., a Century Ago*, by Amos W. Butler; *Early Days in Switzerland County*, by Annette Danglade; and *Universalism in Indiana*, by Elmo A. Robinson, are articles in the June number of the *Indiana Magazine of History*.

*The Catholic Historical Review* for July opens with a monograph on *Juan Rodriguez de Fonseca: First President of the Indies (1493-1523)*, by John F. O'Hara. The concluding installment of the *Chronology of the American Hierarchy*, by Owen B. Corrigan, here published deals with the Province of Chicago, the Province of St.

Paul, and the Province of Dubuque. Other articles are: *Rosati's Elevation to the See of St. Louis (1827)*, by Charles L. Souvay; and *Catholic Pioneers of the Oregon Country*, by Edwin V. O'Hara.

Among the papers in volume nine of the *Publications of the Louisiana Historical Society* are the following: *Sketch of the Expulsion of the Society of Jesus from Colonial Louisiana*, by J. J. O'Brien; *The Opera in New Orleans*, by Harry B. Loeb; *Notes on General Wilkinson's Memorial and Miro and Navarro's Dispatch No. 13*, by Gilbert Pemberton; *The Bible in Louisiana a Century Ago*, by W. O. Hart; *the Yturbide of New Orleans*, by Grace King; *Origin of the Various Names of the Mississippi River*, by T. P. Thompson; and *Forgotten Treks*, by Purnell M. Milner.

*The Southwestern Historical Quarterly* for July opens with the second installment of Asa K. Christian's monograph on *The Tariff History of the Republic of Texas*. James E. Winston writes on *Mississippi and the Independence of Texas*; while E. W. Winkler contributes a brief paper on *The "Twin Sisters" Cannon, 1836-1865*. There is also another section of *British Correspondence Concerning Texas*, edited by Ephraim Douglass Adams.

Besides the presidential address by Harlow Lindley, the *Proceedings of the Tenth Annual Meeting of the Ohio Valley Historical Association* contain the following papers: *Speculation in the Thirties*, by R. C. McGrane; *The New Purchase*, by James A. Woodburn; *A Lost Opportunity — Internal Improvements*, by Worthington C. Ford; *Kentucky's Contribution to Indiana*, by James R. Robertson; *Organizing a State*, by Logan Esarey; *Early Railroad Building in Indiana*, by Ralph Blank; *Indiana on the Eve of the Civil War*, by Charles Kettleborough; *Personal Genesis of the Monroe Doctrine*, by W. A. MacCorkle; and *A Hoosier Domesday*, by Frederic L. Paxson.

Special interest attaches at this time to an article on *The Beginnings of the Standing Army in Prussia*, by Sidney B. Fay, which opens *The American Historical Review* for July. Carl Russell Fish presents an interesting discussion of *The Northern Railroads, April, 1861*. Two other articles are: *The Confederate Government and the Railroads*, by Charles W. Ramsdell; and *The Philippines Since*

*the Inauguration of the Philippine Assembly*, by James A. Robertson. Some suggestions relative to the duties and opportunities of *Historical Scholars in War-Time* are offered by J. Franklin Jameson. The documents in this number consist of some letters of Mary Corinna Putnam descriptive of Paris in 1870.

The principal address in the *Proceedings* of the State Historical Society of Wisconsin at the meeting held in October, 1916, is one on *President Lincoln as War Statesman*, by Arthur Latham Conger. After a careful study, Captain Conger, contrary to many writers, considers Lincoln worthy of the highest praise for his conduct of the war, even from the strictly military point of view. *New Light on the Career of Captain Nathaniel Pryor* is the subject of a short article by Joseph B. Thoburn. Other papers are: *Reminiscences of a Pioneer Missionary*, by Chrysostom A. Verwyst; *The Beginnings of the Norwegian Press in America*, by Albert O. Barton; *The Dream of a Northwestern Confederacy*, by William C. Cochran; *The Watertown Railway Bond Fight*, by William F. Whyte; and *Brevet Major Isaac N. Earl: A Noted Scout of the Department of the Gulf*, by Newton H. Culver.

#### ACTIVITIES

Among the most recent enterprises of The State Historical Society of Wisconsin is the launching of a quarterly periodical to be known as the *Wisconsin Magazine of History*. The first number appeared in September.

The support of the Minnesota Historical Society was increased from twenty thousand to twenty-five thousand dollars annually, by an act of the last legislature.

Among the recent acquisitions of the Western Reserve Historical Society are a large number of papers of General Braxton Bragg, containing material concerning the activities of the Confederate forces under his command.

The Allamakee County Historical and Archaeological Society is continuing to perform an important function by securing the publication in the newspapers of reminiscences and articles of historical interest and value. The secretary, Mr. A. M. May, has been espe-

cially active along this line. Local historical societies can render no greater service to their communities than to encourage the writing and publication of the recollections of the pioneers. The time will soon come when it will be no longer possible to secure these personal, first-hand accounts of the beginnings of our counties and towns.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Dr. Ivan L. Pollock, formerly of the research staff of the State Historical Society of Iowa, has been appointed Instructor in Political Science at the State University of Iowa.

A volume on the history of *Old Fort Snelling*, by Marcus L. Hansen, is in press. Mr. Hansen is now at Harvard University where he is pursuing graduate work.

Dr. John E. Briggs, Research Associate in the Society, is preparing a biography of William P. Hepburn for publication by the Society.

Professor Louis B. Schmidt of Ames and Mr. Thomas Teakle spent some time in Iowa City during the summer pursuing research work for the Society. Professor Schmidt is working along the line of the history of agriculture in Iowa, while Mr. Teakle completed a volume on the Spirit Lake Massacre.

Dr. Odis K. Patton, who is the author of several monographs published by the Society and who for a number of years has given instruction in political science at the State University of Iowa, has become a member of the law firm of Oliver, Harding, and Oliver of Sioux City. Dr. Patton graduated in June from the law college of the State University.

Under the general title of *Iowa and War*, the Society began in July the publication of a series of small pamphlets dealing with a variety of subjects relating to military matters connected with the history of Iowa. Since these pamphlets are in no sense a monographic series, bibliographical data and academic citation of sources are omitted. Their contents are none the less based upon critical studies and reliable sources of information. Four pamph-

lets in this series have been issued: *Old Fort Snelling*, by Marcus L. Hansen; *Enlistments from Iowa During the Civil War*, by John E. Briggs; *The Iowa Civil War Loan*, by Ivan L. Pollock; and *Equipment of the Iowa Troops in the Civil War*, by Cyril B. Upham.

The following persons have recently been elected to membership in the Society: Miss Alma C. Allender, Bloomfield, Iowa; Mr. W. M. Ball, Iowa City, Iowa; Miss Edith W. Woods, Newton, Iowa; Mr. H. P. Rosser, Des Moines, Iowa; Mr. Geo. H. Bruner, Vinton, Iowa; Mr. F. P. Henderson, Indianola, Iowa; Miss Elizabeth D. Jones, Iowa City, Iowa; Mr. Francis E. Kroulik, Solon, Iowa; Mr. D. J. Palmer, Washington, Iowa; Miss Jeanette Lewis, Rockwell City, Iowa; and Mr. Albert J. Ruopp, Grinnell, Iowa. The following persons have been enrolled as life members: Mr. W. I. Babb, Aurora, Illinois; Mr. A. N. Harbert, Shellsburg, Iowa; Mr. Newton R. Parvin, Cedar Rapids, Iowa; Mr. Laenas G. Weld, Chicago, Illinois; Mr. Barthinius L. Wick, Cedar Rapids, Iowa; Mr. H. W. Seaman, Clinton, Iowa; and Dr. S. G. Stein, Muscatine, Iowa.



## NOTES AND COMMENT

The nineteenth annual meeting of the Iowa State Conference of Charities and Correction was held at Mason City on October 14-16, 1917.

William C. Hayward, formerly State Senator and Secretary of State of Iowa, died in Davenport on September 16, 1917. He was born in New York in 1847, and came to Iowa in 1864.

The twentieth annual convention of the League of Iowa Municipalities was held at Iowa City on September 18-20, 1917. At the same time and place was held a meeting of the Iowa Health Officers Association.

Newspapers during the summer stated that a movement was on foot at Cherokee, Iowa, to remove to a more suitable location the remains of the old log fort built at that place during the Indian uprising in southern Minnesota in 1862.

Senator Henry C. Burgess, a member of the Thirty-second and Thirty-third General Assemblies of Iowa, died at his home in Cresco on March 8, 1917. He was born in Maine in 1846, and came to Iowa in 1864.

Crocker's Iowa Brigade, composed of members of four regiments which served with distinction in many of the important battles of the Civil War, held its nineteenth biennial reunion at Toledo, Iowa, in September.

On September 22, 1917, occurred the death of James Newberry at Strawberry Point. He was born in New York on May 26, 1827, spent his boyhood and early manhood in Ohio, and moved to Iowa in 1855. He was a Representative from Clayton County in the Twelfth General Assembly of Iowa. Mr. Newberry was the father of Senator Byron W. Newberry, who is a member of the Board of Curators of The State Historical Society of Iowa.

Mr. George L. McCaughan, Secretary of the Board of Railroad Commissioners, has the following to say in connection with the map of Iowa recently issued by the Commission:

"The new map shows the location and extent of Camp Dodge and sixty-five changes in railway stations, including new stations established, names or locations changed, and those discontinued. There have been thirty-seven changes in wye connections, twenty-five new post offices have been established, and twenty-five have been discontinued; four names of creeks have been changed, and in Mills County the course of an important stream has been changed by a large county ditch.

"Two short railroads have been abandoned and the track torn up. They are the Atlantic Southern, from Atlantic to Villisca, and the Chicago, Anamosa & Northern, from Anamosa to Quasqueton. Service has been discontinued on the Iowa & Omaha Short Line from Neoga to Treynor, but the company expects to reorganize and operate it as an electric line next year."

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## CONTRIBUTORS

IVAN L. POLLOCK, Instructor in Political Science in the State University of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1917, p. 152.)

FRANK EDWARD HORACK, Professor of Political Science in the State University of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for October, 1915, p. 615.)

**A N I N D E X**  
**TO THE**  
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